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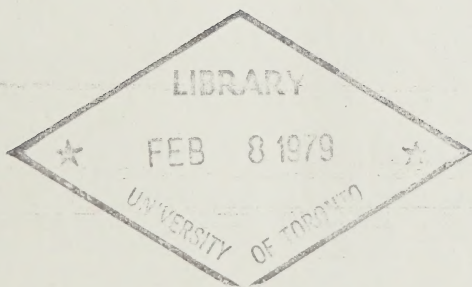
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Legislative Assembly

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Daily Edition



First Session, 31st Parliament

Monday, October 17, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

LEGISLATURE OF ONTARIO

CONTENTS

An alphabetical list of members of the Legislature of Ontario, together with lists of members of the Executive Council and Parliamentary Assistants, appears as an appendix at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

MONDAY, OCTOBER 17, 1977

The House met at 3 p.m.

ELECTION OF SPEAKER

Clerk of the House: Members of the Legislative Assembly, I have to inform you that I have received the resignation of the Hon. Russell Daniel Rowe as Speaker of this assembly. I, therefore, declare the office of Speaker vacant and ask for nominations for Speaker.

Hon. Mr. Davis moved, seconded by Mr. S. Smith, that the member for Lake Nipigon (Mr. Stokes) be Speaker of this House.

Hon. Mr. Davis: Mr. Clerk, I would just like to say a word or two to the members of this Legislature about the nomination that I have made. Before doing that, I would like, I am sure on behalf of all members, to express our appreciation to the former Speaker, the very distinguished member for Northumberland, for the leadership and guidance he gave to our always very calm deliberations in this House. It was with regret that I learned of the hon. member's intention to resign. I do wish to express to him on behalf of all of us our very real appreciation.

In placing before the House the nomination for the office of Speaker of the member for Lake Nipigon, it is certainly in my time in this House the first time that a member of an opposition party has been nominated as Speaker. In considering my responsibilities in suggesting this to my colleagues on both sides of the House, I came to this decision partially as a reflection of the nature and the makeup of the Legislature of this time and also in recognition of the hon. member's very distinct and I think, unique qualifications for this very responsible position.

I would speak once again on behalf, I would hope, of all members of the House who had the pleasure of watching the hon. member's performance as Deputy Speaker in the previous Parliament, in saying that we were all impressed as to his abilities and the very objective nature in which he treated his responsibilities. I am very confident that this same measure of objectivity will prevail as we move into the concluding part of this session in this House that, as I say, is usually relatively tranquil, but on occasion

does require the strong hand of the Speaker to see that our deliberations are carried forward as they should be.

As I say, Mr. Clerk, to my knowledge it is the first time that a nomination of this kind has been placed before the members of the House and it would be my hope that all of the members would unanimously support this nomination.

Mr. S. Smith: Mr. Clerk, I am delighted to stand and second the nomination made by the hon. Premier, and also to second each thought which he expressed so well. We too want to pay tribute to the retiring Speaker, the hon. member for Northumberland, and wish him well in the pursuit of his legislative duties as a private member once again. We realize the effort and sacrifice which the position entailed and we thank him for having made both of those for the people of Ontario.

I have already congratulated the Premier for his excellent choice in nominating the member for Lake Nipigon. I believe it was a courageous move on his part to nominate someone from outside the ranks of the government party and I salute him for that. I believe the choice he has made could not have been a better one and we are looking forward to working with the hon. member for Lake Nipigon.

I note, if I might for a moment, Mr. Clerk, that it is traditional for Her Majesty to take the confidence that our proceedings will be conducted with wisdom, temperance and prudence. I think the excellent qualities of the member for Lake Nipigon will go as far as any human being possibly could to guarantee the existence of at least one of the three on all occasions and hopefully all three virtually all of the time. I once again salute the Premier and I salute the member for Lake Nipigon.

Mr. Lewis: This may indeed be unorthodox, but I would wish, under these circumstances, to affirm the nomination and to congratulate the Premier for making it. We send our best wishes to the hon. member for Northumberland who has retired from the chair. I am rather pleased that he retired in one piece and in a decent frame of mind, given that to which he was subjected.

The Hon. John Stokes—a nice roll to the words as printed on the seating plan—will obviously perform his duties in an exemplary fashion. We in this caucus consider it a triumph of the working class over the adversities of capitalism, and we congratulate the Premier for it. It is also a testament to good sense.

Mr. Breithaupt: Notice he lost his colour.

Mr. Conway: He's the only working man you have got.

Mr. Lewis: There is, in fact, one more. I challenge you to identify him.

Mr. Breithaupt: What is the prize?

Mr. Lewis: I may say in conjunction with the leader of the official opposition that wisdom and prudence will invariably apply. Alas, the only inauspicious note in Mr. Stokes's ascent to the Throne: temperance will also apply. He has already banned coffee in this chamber in advance.

Motion agreed to.

Clerk of the House: Are there any further nominations? I declare the nominations closed and declare the Hon. John Edward Stokes to be Speaker of this assembly.

Mr. Speaker: Hon. members, first of all I want to thank the Premier and the leader of Her Majesty's Loyal Opposition, and the leader of the New Democratic Party, for their very kind words, which I was able to hear from a room not too distant from here. I want to serve notice on the leader of the third party that that will probably be the last opportunity he will have to be provocative.

This is the first time since 1920 that a member of this assembly has been chosen from the left of the chair, and it's probably the first time in the history of the Commonwealth that the Speaker and the Deputy Speaker have been chosen from the left side of the chair. I look forward to working very closely with the hon. member for Perth (Mr. Edighoffer) and with the Deputy Chairman, who shall be named later on. I look forward to working in close co-operation with them.

I want to thank those who have spoken and who have been responsible for my nomination, and I want to remind them that it is also the first time that a member of this assembly from northern Ontario has been chosen for this very onerous job.

As your Speaker, I shall be mindful of the rights of every member to express his views and to be heard. In this chamber of debate, as well as in the precincts of the House, members can effectively discharge their public duties only if their rights and privileges

are safeguarded in an orderly manner. It is my promise to each and every one of you that I shall put forth every effort to fulfil the duties that you have entrusted to me and, hopefully, in a fair, firm and impartial manner. Thank you very much.

This House will now adjourn during pleasure.

[3:15]

The Honourable the Lieutenant Governor then entered the House and took her seat upon the throne,

Hon. P. M. McGibbon (Lieutenant Governor): Pray be seated.

Mr. Speaker: May it please Your Honour, the Legislative Assembly have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me and not to the assembly whose servant I am.

Hon. Mr. Welch: Mr. Speaker, I am commanded by the Honourable the Lieutenant Governor to declare to you that she freely confides in the duty and the attachment of the assembly to Her Majesty's person and government and is confident that the proceedings will be conducted with wisdom, temperance and prudence.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

Prayers.

STATEMENTS BY THE MINISTRY

ROYAL VISIT

Hon. Mr. Davis: Mr. Speaker, as we gather to renew this, the first session of the 31st Parliament of Ontario, I thought it might be appropriate if I were to set out for the members of the Legislature, brief comments in regard to certain major circumstances that prevail in this province and country at this present point in time and the government's hopes and expectations for this session.

Initially, however, may I extend to each and every member of this assembly the personal best wishes of Her Majesty the Queen. It was a significant pleasure for me, in company with my wife, to represent the members of this government and this Legislature at the luncheon yesterday at Harrington Lake that was arranged by the Prime Minister as part of the Queen's visit to Canada. This occasion provided me the opportunity on your behalf and on behalf of the people of Ontario to re-emphasize our feelings of affection and renew our sense of loyalty to the Queen of Canada.

Further, I was honoured this morning in being granted a private audience with Her Majesty so that I might present a gift from the people of Ontario to mark this, the silver jubilee of her accession to the Throne. The 26 pieces of contemporary art which comprised the gift, and which will be designated as the Queen's Silver Jubilee Art Collection, will remain in our province and be displayed in many of our communities over the next two years. The opening of the initial exhibition will be carried out this evening at the Macdonald Block in the presence of Her Honour, the Lieutenant Governor, and I trust that it will be possible for all members to be present for this significant occasion. I am most pleased to convey Her Majesty's thanks and gratitude, which she expressed to me during the presentation.

LEGISLATIVE PROGRAM

Hon. Mr. Davis: As I turn to matters that will be before this House, let me acknowledge in the beginning that the sittings in this calendar year of 1977 have not been based on the usual patterns, primarily because of an election in which we were involved in the spring of this year. Nevertheless, it is still the government's hope and expectation that a substantial number of the programs and commitments that were announced in the Speech from the Throne delivered last March will be met before the end of this calendar year. In order that such a goal can be achieved, however, it will be necessary for all of us to work diligently and co-operatively within this House so that we can prorogue with a sense of accomplishment, hopefully some time before Christmas Eve.

The legislation which the government wishes to place before the House during the next eight or nine weeks, along with the even more extensive time that will be required for the debate on estimates, all reflects matters of importance and concern to large segments of Ontario society. Nevertheless, it is only being realistic to acknowledge that the larger issues that confront our province and our nation at this time will without question dominate many of our thoughts and activities over the next period of time. I refer in specific terms to the ongoing debate on national unity and the serious problems of unemployment and inflation.

I do not feel, Mr. Speaker, that there is any need today to dwell at great length on the status of Confederation in Canada. It would suffice to say that the government would welcome, if it is the desire of the members, the opportunity to discuss the overall situation in this chamber; and is even more

desirous of hearing any constructive suggestions that the members opposite may have to offer.

I believe that to date Ontario has taken a clear, firm, responsible position in regard to the various questions that have arisen since the election of the PQ government in Quebec and the announced referendum on possible separation. Further, I intend, as I have already stated, to be an active participant in the ongoing debate, and I do not plan to confine myself to the province of Ontario in respect to those activities.

Let me now turn to the matters of unemployment and inflation. The persistence of high levels of unemployment in this province through the past year remains a major concern to all of us. The pace of recovery in the economy has remained sluggish, and has been accompanied by a waste of human skills and potential. At the same time, it must be recognized that there are fundamental structural problems at the root of our current dilemma, problems that cannot simply be solved by the government's spending more or borrowing more or by indiscriminate tax cuts. It strikes me that there are two essential truths we must face in respect to our current circumstances and which I hope will help us to maintain a degree of reality and work towards constructive solutions when we debate such matters in this House and its related committees.

Firstly, the problems afflicting the economy of this province at this point in time are part of a situation that is national and even international in its scope. The answers must be found on the same broader basis.

Secondly, as I have already noted, there are no simple solutions that this or any other government can take that will correct the situation. Anyone who suggests otherwise is doing a disservice to our people and to the governmental process. Clearly, the government of Ontario must do its part, and without question, with an economy as fundamentally sound and a people as resourceful as our own, we have a significant contribution to make. But our objective in this instance of creating meaningful employment and curtail- ing the rate of inflation is consistent with that of the federal government and of the other nine provinces. We should, therefore, be working in concert in an attempt to find appropriate solutions and to restore confidence, both on the part of our own people and in the rest of the world, in regard to the future of this country.

Given these circumstances, I urge the Prime Minister to call a meeting of the first ministers of this country, in company

with their appropriate ministers and officials, immediately, to begin the process of a co-operative national effort to put Canada back on the road to economic recovery. Ontario stands ready to do its part, but we want our own contribution to be consistent with and reinforcing to those efforts being made across the country. Whatever program we develop, we know that fundamental to a sound economy is the reinforcement of our private sector.

It was for that very reason that I and two of my ministers, accompanied by senior civil servants and representatives of business and industry, spent time in Japan and Hong Kong just prior to the reopening of this Legislature. We need more investment and we need more business and industrial development in order that we may create more opportunities in our own province. We felt that within the Far East we should be able to find people who would make those kinds of commitments, because they understood the mutual benefit that was possible.

We emerged from our series of meetings with senior businessmen and government officials convinced that we had made inroads in correcting some myths and misunderstandings about Canada's and Ontario's political and economic climate.

[3:30]

Mr. di Santo: You wasted their time.

Hon. Mr. Davis: Perhaps the member would like to ask some questions about it. We believe we made inroads in encouraging more businessmen in Japan and Hong Kong to look at Ontario as a safe place to invest and in which to seek business partners.

I welcomed the opportunity to remind those whom I met that, despite some reservations they may have had about us, Ontario still offers a more assured future to those who live within our borders and to anyone who invests in our development than almost any other part of the world. As to those who suggested that our environmental laws discourage investment or plant expansion here, I assured them that we were proud of the laws, which we believe are an example to the rest of the North American continent, and that we have no intention of relaxing those laws under pressure of foreign criticism. We are committed to increasing our productivity, while at the same time maintaining the quality of life we have here in this province and which we have worked so hard to achieve.

As to the government's legislative program, we begin today by reintroducing the package of family law bills which received broad

support in principle in the last Parliament. We hope these bills can be put through second reading and committed for detailed examination, as the committee sees fit. We do not want to see these bills lapse again.

The government will also introduce a package of six courts administration bills. They will reform the jurisdiction procedures of the small claims courts, provide for the use of the French language in our courts, increase by four the number of Supreme Court judges and provide for the office of associate chief judge. A provincial offences Act, to be introduced in a few weeks, will provide a full code of procedure for provincial offences, replacing the Summary Convictions Act.

In the field of labour the minister will, as promised, introduce a comprehensive occupational health and safety bill to integrate and reform worker protection now covered by several statutes. A further bill would establish an advisory council on such matters and set up a tripartite council on equal opportunity employment. The government hopes to be able to call for early debate and disposition of the report expected from the committee of the House considering Bill 22 dealing with province-wide bargaining in the construction industry.

There will also be legislation, already introduced by the Treasurer (Mr. McKeough), respecting certain municipalities, and we should also proceed with the municipal elections bill. A further municipal amendment, to be introduced, will provide for regulation of so-called body-rub parlours and other questionable enterprises offensive to community standards of business. We will also proceed with Bills 34, 35 and 44, standing in the name of the Minister of Transportation and Communications (Mr. Snow), as with one or two further bills dealing with Highway Traffic Act amendments. A mental health Act, designed to safeguard patients' rights and reform involuntary admission procedures, will be introduced and called. A further bill, to be introduced by that minister, revises procedures of medical and practitioner review committees.

Bill 4, in the name of the Chairman of Management Board (Mr. Auld), will proceed. The Minister of Revenue (Mrs. Scrivener), will introduce and proceed with bills to postpone reassessment for another year, to amend GAINS legislation respecting foreign pensions, which bill I expect will be unanimously supported by the members opposite, and to bring the Corporations Tax Act into line with the federal Act.

Mr. Sargent: What is this—the Throne Speech?

Hon. Mr. Davis: No, it's just a reminder of all those things we have under way that might have escaped the hon. member's attention in the course of all of his other responsibilities.

A bill to regulate the removal of topsoil from good agricultural land will be introduced and called.

Mr. Riddell: How long has that been coming? Glad you have taken action.

Hon. Mr. Davis: Once again, enthusiastically supported by all the urban members opposite.

Mr. Sargent: Why don't you give it out in Japanese?

Hon. Mr. Davis: I would have undertaken to do that, but knowing my friend's intellectual capacity, I question whether or not he would understand it.

Mr. Ruston: That wasn't nice.

Mr. Breithaupt: Have you lost the yen?

Hon. Mr. Davis: No, I haven't lost the yen for anything, I would say to the distinguished House leader for the opposition party.

Mr. Lewis: Previously, that would have been considered unparliamentary, Mr. Speaker.

Mr. Speaker: Let's have some order. Let the hon. Premier continue uninterrupted.

Hon. Mr. Davis: Quite right, Mr. Speaker. Amendments to the Police Act will be brought forward, and I have asked that legislation be drafted in regard to the Arab boycott.

In summary, let me say that I sense the possibility that the convergence of economic difficulties, and concern about the political integrity and unity of the country are giving rise to a deepening sense of anxiety throughout many parts of our society. That anxiety and the sense of frustration that can come from it are not only a result of problems and difficulties, but the result of a perceived incapacity of existing governmental institutions to respond to those problems effectively.

In my opinion, the manner in which we deal with Ontario's affairs over the next few weeks and months will determine whether we are capable of overcoming that perception and lessening that anxiety that I believe exists. In my years in politics and government, I have become accustomed to saying, or to hearing others say, and I quote from many, "These are difficult and challenging times." Nevertheless, I think that expression is appropriate to the general situation which now confronts us. But it is clear that difficult times require a special kind of responsibility from each and every one of us. It is

that type of responsibility to which those of us in this institution and all who are associated with it must commit ourselves in working towards a common goal of creating a better and stronger Ontario as part of a better and stronger Canada.

ONTARIO FINANCES

Hon. Mr. McKeough: Mr. Speaker, I'm tabling today, for the information of members, "Ontario Finances" for the second quarter of 1977-78. This report is an important update on the province's financial situation.

Mr. S. Smith: It is not too promising.

Hon. Mr. McKeough: Members will note from the report that the fiscal outlook for this year has changed from that presented in the June issue of "Ontario Finances" and subsequently in my September speech to the provincial-municipal liaison committee. The major change is a significant downward adjustment in revenues, mainly in the personal income tax and the mining tax.

Mr. Cassidy: We predicted this in the spring.

Hon. Mr. McKeough: The large adjustment in income tax revenues is explained in the copy of a Telex message received from Ottawa which I am also tabling for information. In addition, continued and prolonged weakness in the international metals markets has sharply reduced the sales and profits of Ontario's mining industry. Reluctantly, I have further revised downwards the forecast of mining tax revenues.

Mr. Lewis: We told you it would.

Hon. Mr. McKeough: There are four important points I wish to make about the implications of this revenue deterioration for the province's fiscal strategy.

First, let me reassure municipal governments that—

Mr. Peterson: They don't believe you anyway.

Hon. Mr. McKeough: —notwithstanding this change in forecast, the province will transfer to them the amount of new funds in 1978-79 that I announced in my September 16 speech. I wish to underline once again the advantages for the municipalities of early announcement of the transfer level and the certainty that it provides for them.

Mr. Wildman: Your transfers now include the teachers' superannuation fund.

Hon. Mr. McKeough: Second, expenditure restraint remains the dominant policy theme for Ontario, with spending in the upcoming 1978-79 fiscal year scheduled to increase by

only 6.9 per cent. In the current fiscal year we are holding to our June expenditure position of \$13.606 billion despite considerable pressure for new requirements to fund additional pension plan liabilities and other essential additions. In fact, the current level of expenditure is \$92 million below my original budget plan.

Third, I would like to emphasize that it is slack revenues and not expenditures which have increased our cash requirements.

Mr. Wildman: There is a cause and effect relationship between high unemployment and low resources.

Hon. Mr. McKeough: Fourth, despite this temporary setback on revenues, the government of Ontario is still firmly committed to achieving a balanced budget position.

Mr. S. Smith: When's that?

Mr. Lawlor: You are getting worse.

LICENCE PLATE RECIPROCITY

Hon. Mr. Snow: Today I would like to bring the House up to date on Ontario's efforts to establish licence plate reciprocity for commercial vehicles with American jurisdictions.

Following recommendations by the select committee of the Legislature on highway transportation of goods, negotiations were initiated with the states of Indiana, Florida, Georgia and South Carolina. At this time, I am pleased to advise the members that the government has approved regulations establishing such licence plate reciprocity for commercial vehicles with Florida, Georgia and South Carolina as of October 1 just past.

Further, I am pleased to report that the state of Indiana has responded to Ontario's proposals in this regard and that I further anticipate putting a similar agreement into effect with Indiana in the near future. I would like to add that I will soon be initiating similar negotiations with the states of Michigan, Pennsylvania, Virginia, Kentucky and North Carolina.

On the basis of the approved regulations, tomorrow I will be signing the actual agreements on behalf of the province of Ontario with Florida, Georgia and South Carolina. These agreements will mean basically that the commercial vehicles from these three states will not have to have Ontario licence plates for trips into Ontario. Similarly, Ontario operators of commercial vehicles will be able to operate in Florida, Georgia and South Carolina with their Ontario plates only.

I would like to point out that the agreements cover straight trucks, tractor units and

trailers and buses used on charter trips. They will not eliminate the need for "for-hire" carriers to obtain operating authority in either Ontario or the United States as they do now. Nor will these agreements affect in any way the collection of fuel tax or other taxes properly owing in each jurisdiction.

Tomorrow, I will be attending a meeting of some 16 American jurisdictions, all members of the multi-state reciprocity arrangement. My attendance will provide Ontario with a unique opportunity to advise a large number of American states of this province's position vis-à-vis reciprocity. I will also provide my ministry with firsthand knowledge of the kind of arrangements typical of inter-jurisdictional reciprocity in the United States.

Finally, I would like to announce that in accordance with another recommendation of the select committee, we have established a carrier policy and reciprocity office by re-arranging staff within the transportation regulation division of my ministry. Among other duties, staff of this office will monitor and maintain reciprocal agreements while providing information and policy support to the Ontario government regarding commercial vehicle reciprocity with other North American jurisdictions.

FAMILY LAW REFORM

Hon. Mr. McMurtry: Mr. Speaker, this afternoon I intend to reintroduce the four bills of our family law reform program. It is almost a year since the family law bills were first presented to this Legislature. Since that time we have distributed over 40,000 of our booklets on family law reform. We have received thousands of letters from members of the public and special-interest groups such as women's associations and the committees of the various bar associations.

We have carefully considered the comments we have received and the submissions presented last December to the standing committee on the administration of justice and, as a result, we have made a number of adjustments to our bills in response to the very interesting submissions.

Other provinces have begun to move on reforming their family law as well. Manitoba's former government chose to adopt an approach rather different from our own. However, I am pleased to report that both British Columbia and Prince Edward Island have chosen the same approach as Ontario on bills introduced this year.

For almost a year now the public has been expecting us to move the four family law bills forward. Every week we receive inquiries from people who need the new provisions

now. Every week we hear from lawyers who must advise their clients on whether they should try to hang on until the bills are passed.

We cannot keep these people waiting much longer. The government has shown its commitment by reintroducing these bills on the first day of the resumed session. We intend to press forward to final passage.

I recognize that there are still some people who wish to be heard and I am, of course, quite willing to accommodate their desire to make submissions. I hope, and indeed I anticipate, that I will have the co-operation of the members opposite in expediting the business of the standing committee on justice so that the family law reform bills can receive consideration without undue delay and come back to the House for final approval. I hope that the other three bills, together with the family law reform bill, can be dealt with quickly, and without the need for lengthy study in committee.

The measures which we have already brought forward will soon be joined by another bill to reform the law relating to custody and guardianship of children. This will complete the most comprehensive reform of family law ever undertaken at one time.

I think we in Ontario can be justly proud of the initiatives taken, which have been followed in at least two other provinces, but our initiatives count for nothing unless this House finally passes the family law reform bills. The public expects action. We in the government intend to press forward and I call on the members opposite to join with us.

Mr. Lewis: You would think we were putting an obstacle in your way; for heaven's sake go ahead.

[3:45]

ORAL QUESTIONS

JOB CREATION

Mr. S. Smith: A question, Mr. Speaker, of the Premier: since the latest figures, released today, show that the deficit of the province of Ontario has actually jumped by some \$375 million, and in fact has jumped \$158 million in the month of September alone; and since his own estimates of economic growth have proven to be totally unsupportable; will the Premier now consider bringing in a new budgetary statement of some kind to bring up to date the real facts, the real figures, and to take some action to stimulate the creation of jobs for a very difficult winter?

Hon. Mr. Davis: Mr. Speaker, I think the opportunity will present itself, perhaps starting tomorrow—the House leader could inform

me, but I think the estimates of the Treasurer will be before the members of the House very shortly. They start, the House leader tells me, tomorrow evening; I think that would be a very good opportunity for the members opposite to acquaint themselves with the latest information as it relates to the financial position of this province.

Mr. Roy: We have the information; we want to know what you are going to do.

Mr. Speaker: Order, please. Just ignore the interjections.

Hon. Mr. Davis: I am delighted to have that advice, Mr. Speaker.

I think that would provide the Leader of the Opposition, and others opposite, the opportunity to get into the figures that are of concern to him, in detail.

Mr. S. Smith: By way of supplementary: with great respect, Mr. Speaker, given the fact that all of us are operating on the original budgetary statement, with the expenditures planned by the government as intended by the Premier's policies, and according to his predictions; given the fact that these predictions are not only wrong but disastrously wrong; would it not make sense to let us know what his intentions are now, and particularly what his intentions are with regard to job creation?

Hon. Mr. Davis: Mr. Speaker, I know there is a tendency on occasion in this House to get carried away with the phraseology used. What the Treasurer has informed the House of today, and I have not had an opportunity to read it in detail, is a reduction in revenues below those anticipated; one of the significant areas being that in the field of income tax, and I think the Leader of the Opposition would like to read the Telex that brought this information to us. I think the Treasurer also pointed out, though, that in terms of government expenditures the government had continued to make efforts to reduce our level of expenditure, so that in relative terms we are still in a very sound financial position. I think it is important for the members of this House to understand that while we do have problems, in terms of the fiscal integrity of the province our ability in terms of our finances is as sound as ever. It is one of the soundest jurisdictions anywhere in North America, and I think the people of this province should know that.

Mr. Lewis: Supplementary, Mr. Speaker: Since the Treasurer's announcement today makes it clear that our budgetary deficit in Ontario will almost certainly rise over \$1.5 billion by the end of this fiscal year, can the Premier explain how it will be possible for

him to meet the commitment made in the Bramalea Charter, since it now appears that there will be roughly a 20,000-job shortfall this year alone? Therefore, what job creating propositions, in specific terms, will he be taking to the conference of the first ministers which he himself today requested?

Hon. Mr. Davis: Mr. Speaker, I did suggest today that the Prime Minister of this country convene a meeting of first ministers to look, in broad terms, at the economic situation facing the people of this country. I said in my statement that we would be prepared to support in any way that we could, some broad national sort of objective.

I mentioned to the media, I believe on Friday, that being very realistic about it the main fiscal tool in terms of stimulation of the economy, or whatever the federal government feels is the realistic and responsible approach to take, is something that must be provided by the government of Canada. We have made it quite clear that our approach has been, and will continue to be, to try and restore that feeling of confidence in the private sector with the people generally. There is no point fooling anyone, we do not have plans for massive make-work programs of short-term duration that would only add to the financial plight of this province.

Mr. Lewis: What about your public commitment of 100,000 jobs?

Mr. Speaker: Order, please.

Hon. Mr. Davis: If the hon. leader of the New Democratic Party wants to discuss in some detail the commitments made in the very historic Bramalea Charter, I have said it is our objective—

Mr. Lewis: Better a piece of history than a piece of reality.

Mr. Makarchuk: Known as false advertising.

Mr. Speaker: Let's have some order. This is not a debate, it's a question period.

Hon. Mr. Davis: You are quite right, Mr. Speaker. I am still optimistic that in terms of the projection laid out in that document—100,000 jobs a year for, I believe, a 10-year period of time—is not only a realistic objective, it is one that has to be attained and we intend to do it.

Mr. Lewis: Like a balanced budget.

Hon. Mr. Davis: Yes.

Mr. Peterson: Supplementary: In view of the figures that came out today, and in view of the omission from the Treasurer's statement when he's committed to balancing the budget, is the Premier prepared to affirm

right now that the budget will be balanced in 1981? Is that still government policy?

Mr. Lewis: Oh, come now.

Hon. Mr. Davis: Mr. Speaker, it is still the policy of the government of this province to make every effort to balance the budget of this province by 1981. That was stated then and we continue to move towards that objective.

Mr. Nixon: So much for that.

Mr. Foulds: Is that a commitment or a promise?

Hon. Mr. Davis: Of course it will be made much easier for us if we have a constructive, enlightened approach by those members opposite who understand financial matters and do not call upon us for massive new expenditures that will not be productive for the economy of this province.

Mr. Roy: We can't do worse than you have been doing in the last while, we can't do worse.

Mr. Cassidy: Supplementary: Am I to understand, Mr. Speaker, that the government's policy as far as job creation is concerned is a commitment to 100,000 jobs a year and praying for help from the federal government to achieve it, but no other policies?

Hon. Mr. Davis: Mr. Speaker, I have never been reluctant to pray for help at any time, and this is no exception.

Mr. Lewis: So that's how the Premier does it.

Mr. Deans: It is getting a little bit embarrassing, isn't it?

BRUCE NUCLEAR PLANT

Mr. S. Smith: Mr. Speaker, another question of the Premier: What steps has the Premier taken, personally, concerning Ontario Hydro's contract with the Lummu Company for two heavy water plants at the Bruce nuclear site, in view of the fact that Hydro's latest estimate of the final cost is about \$990 million, some \$200 million higher than the initial estimate, with no penalty provisions at all in the contract? What steps has the Premier taken, personally, to look into this matter?

Mr. Breithaupt: Other than prayer.

Hon. Mr. Davis: Mr. Speaker, I would think the member for Kitchener would be the last one to discount the power of prayer, knowing the history of his family and those involved in it; but anyway I'll not digress on that issue at this moment.

I would say to the Leader of the Opposition if he would ask the Minister of Energy,

through whom the corporation reports to the members of the House, I'm sure he will get all the information on this particular issue that he feels is relevant.

Mr. S. Smith: By way of supplementary: Do I take it from the Premier's answer that he himself, on a personal basis, has done absolutely nothing with regard to the Bruce nuclear heavy water plants? Is he alarmed at all about the apparent lack of information on the part of the Minister of Energy, who knew nothing of the ultimatum which Hydro had given Lummus on such a large capital project?

Hon. Mr. Davis: Mr. Speaker, I will confess to the Leader of the Opposition that I have not personally gone to Bruce to analyse the work or in any way determined what the cost structure is or anything of that nature. I do make that confession, yes; I have not done it. I also have confidence in the ability of the Minister of Energy—

Mr. Riddell: It might be worth a trip.

Hon. Mr. Davis: —and I informed myself that the Minister of Energy was fully knowledgeable and quite prepared to give any information that he can to the members of this House.

Mr. Sargent: Mr. Speaker, does the Premier plan to intervene in the \$1 billion purchase of uranium from Dennison Mines, when the world price has not yet been established?

Hon. Mr. Davis: Mr. Speaker, I would say with great respect—

Mr. Speaker: That's not really a supplementary. I wouldn't think that was a supplementary.

Are there any other supplementaries? The hon. Leader of the Opposition.

Mr. Roy: It was a very good question, though.

Mr. S. Smith: With respect, do I take it that the Premier has in some way redirected my initial question to the Minister of Energy (Mr. Taylor), to see if he's done anything?

Mr. Lewis: No, you can't do that; he has answered it twice.

Mr. S. Smith: He has not done that.

Mr. Lewis: May I just ask a supplementary? If these figures as alleged are accurate, would the Premier not wish to initiate some kind of inquiry into Hydro's internal financing to understand, even if it's on track now, how an error of that magnitude could have been made without any way of recouping the public money?

Mr. Nixon: Phone up Campbell Grant and ask him to have a look at it.

Hon. Mr. Davis: Mr. Speaker, I know the member for Scarborough West is one of those who is more reluctant to initiate an "inquiry" on every matter that is raised and I'm hopeful that he still takes that approach. I think, really, that if one were to ask the Minister of Energy to assess the information that is available, I think the judgement should be based on whether or not the overexpenditure, if there is an overexpenditure, is proper and consistent with what has happened in the construction industry generally, the rates of inflation, et cetera. I am not competent to make judgements of this kind, but I think before anybody considers, as the Leader of the Opposition has suggested, that we set up a select committee to once again reinvent the wheel, or do this or do that—

Mr. S. Smith: It's just \$200 million: don't disturb yourself.

Hon. Mr. Davis: Mr. Speaker, I would say that in percentage terms no one is minimizing \$200 million, but I would say that he might consult with a member who represents that area who knows something of the complexity of this contract, of the work that has gone on and also Ontario Hydro's record in the production of nuclear energy.

Mr. S. Smith: He knows, that's the trouble.

Hon. Mr. Davis: I would say that in terms of cost efficiency, in terms of efficiency of plant, there's not a utility anywhere in the world that can match Ontario Hydro's record in the production of electrical energy for the people of this province. Let him show me one.

Mr. Deans: Since the Premier seems to believe that if we had the information placed before us we would see the justification for the increased expenditure, I wonder if he is prepared to place all of the information before us in order that we can look at it?

Hon. Mr. Davis: I'm delighted to answer questions here until 5 o'clock, to me it is the—

Mr. Deans: I don't want to ask questions until 5 o'clock, I want the answer to this one.

Hon. Mr. Davis: —most stimulating part of the day. I would say to the members opposite that—

Mr. Deans: Just say it to me.

Hon. Mr. Davis: —I'm sure the Minister of Energy has spent several days in preparation knowing that this might be a question, although one can't always predict with logic what questions will emerge from the opposition—

Mr. Makarchuk: We can predict his answers though.

Hon. Mr. Davis: —but I am sure that this was one that might have been anticipated and that the Minister of Energy would be quite delighted to answer. That's all I'm suggesting.

Mr. Speaker: The hon. member for Scarborough West.

Mr. Lewis: I won't ask Jim Taylor a question; I'm afraid he'll be succeeded by Keith Norton.

Mr. Speaker: Question.

NUCLEAR WASTE

Mr. Lewis: May I ask you Mr. Speaker, if I may direct a question to the Minister of the Environment? Is the minister familiar with—has he read carefully—the report on nuclear power by Dr. Robert Uffen, which has been presented to the board of directors of Ontario Hydro and has apparently won their approval?

Hon. Mr. Kerr: Mr. Speaker, I believe there have been some press reports regarding that particular paper; but I haven't read it in full, no.

Mr. Lewis: May I ask the minister by way of supplementary, could we in this Legislature be privy to what is apparently a major document? And could I ask the minister to explain that since Dr. Uffen has clearly taken the position that until a safe method of storing used fuel has been demonstrated beyond reasonable doubt—those are his words—Dr. Uffen recommends that Hydro should not become involved in a large nuclear program; and since that recommendation has gone before the board of Hydro and been approved by them; why is the minister continuing with the Darlington nuclear plant which runs directly counter to that recommendation, without an environmental assessment?

Hon. Mr. Kerr: Mr. Speaker again, I read the press reports on Dr. Uffen's comments and I think he indicated, in so many words, that any present programs may proceed but if you have any large plans in the future—

Mr. Lewis: What's Darlington?

Hon. Mr. Kerr: I believe he's talking about another two or three generating stations—then you certainly should have an answer for the safe disposal of waste.

[4:00]

Mr. Conway: Supplementary: Given Dr. Uffen's remarks about the proper waste disposal program, I am wondering whether the ministry has anticipated any of his concerns; and whether in fact, given the immediacy of his suggestions, it has done anything to expand upon the situation that we have in Chalk River, which has been allowed to ex-

pand purely on an ad hoc basis as apparently the only waste disposal site for nuclear waste in this province?

Hon. Mr. Kerr: Yes, Chalk River is a waste disposal site. I think the hon. member should remember that it's the Atomic Energy Control Board that is responsible for the safe disposal of nuclear waste. At the present time I understand that board is attempting to locate at least two sites in Ontario. One was, as the hon. member probably knows, the proposed site in the Madoc area, which now has been dropped. They are still looking for at least two sites in this province, which in all probability will be on government land. In the meantime, of course, the spent uranium in the existing plants will be safely stored on site at those plants.

Mr. MacDonald: Supplementary: In view of the fact this study by Dr. Uffen has been approved by the board of the corporation of Hydro and therefore is a statement of policy, would the minister undertake to table it in this House so that we would have the benefit of its studies?

Hon. Mr. Kerr: Yes, I have no objection to tabling a report of that kind if it has been submitted to Ontario Hydro.

Mr. Lewis: May I ask one short final supplementary? Will the minister be prepared to look again at the exclusion of Darlington from environmental assessment once he has read Dr. Uffen's report?

Hon. Mr. Kerr: As I said, I don't believe any approval by Ontario Hydro is in conflict with the exemption of Darlington from the Environmental Assessment Act, I would doubt that very much. However, I will look at that; and of course at the time of tabling, if I table it, there will be a statement dealing with that point.

Mr. Speaker: Final supplementary.

Mr. Conway: Did I understand the minister's earlier comments to mean that to this date the ministry has given no advice and has prepared no strategy on behalf of the government or Ontario Hydro, as a major producer of nuclear waste in this province, to combat the kind of situation that Dr. Uffen speaks of in that particular report?

Hon. Mr. Kerr: That was a real flowery question, old man—

Mr. Eakins: What's the answer?

Hon. Mr. Kerr: But I think what the hon. member is trying to say is, are we doing anything about the safe disposal of nuclear waste? The answer is "yes." We are working with the Atomic Energy Control Board, we are working with Environment Canada—

a number of agencies attached to both governments. We are assisting in trying to find a site. We have committees set up; we have studied various locations. The one that was proposed at Madoc really never got off the ground because it was during an election campaign and, of course, you know what happens during an election campaign.

An hon. member: You end up losing a seat.

Hon. Mr. Kerr: Did we win that seat, by the way? In any event, there's no question that we will find a safe site for the disposal of nuclear waste, that is a number one priority.

Mr. Foulds: Are there safe sites?

Mr. Speaker: The hon. member for Scarborough West with his final question.

WORKMEN'S COMPENSATION

Mr. Lewis: A question of the Minister of Labour, if I may: Given the counterpoint outside this Legislature during the early proceedings today, can the minister indicate to the House whether she intends shortly to provide an inflationary raise in the level of workmen's compensation pensions?

Hon. B. Stephenson: I am curious as to the definition of an "inflationary raise." Does the hon. member mean one that will cause inflation or one that will meet levels?

Mr. Lewis: By way of supplementary, why doesn't the minister use her imagination and talk about pegging it to the rise in inflation or even to the Anti-Inflation Board guideline since nothing has been—I will rephrase it quickly, Mr. Speaker, knowing you would wish me to, as a supplementary: Given that the pensions have not been increased since July 1975, I think, is the minister now prepared to meet at least the inflationary rises in the cost of living since that time?

Hon. B. Stephenson: I am sure there will be recommendations coming forward within the reasonably foreseeable future regarding this specific matter, which has been under intensive study.

Mr. Makarchuk: You've been coming for two years.

Hon. B. Stephenson: In addition, it has been affected by the study which has been taking place of the actuarial status of the Workmen's Compensation Board and the potential effect of modifications in the level of pensions and the level of compensation. These, I believe, must be facts well known to all of us before any statements are made about increases which should be at this time

added to the remuneration of those who receive workmen's compensation. I believe we must do it responsibly, and as soon as that information is available to me—

Mr. Lupusella: You have been saying that since 1976.

Hon. B. Stephenson: —which I think will be about the end of November, then we shall be considering those changes.

Mr. Deans: What's the foreseeable future?

Hon. B. Stephenson: If you had listened, I just told you.

Mr. Speaker: The hon. member for Dovercourt; is this a supplementary?

Mr. Lupusella: Yes, it is, Mr. Speaker. Given the fact that some time in 1976 I introduced in the Legislature a private member's bill to increase injured workers' pensions based on the cost of living starting in July 1975—

Mr. Speaker: Does the member have a question?

Mr. Lupusella: Yes. Is the minister prepared to give some immediate attention to it. If not, why not?

Hon. B. Stephenson: Mr. Speaker, we have given attention to it, we are continuing to give attention to it, and it will be resolved.

Mr. Lewis: Very helpful to the people outside.

RYERSON DISPUTE

Mr. Sweeney: A question of the Ministry of Colleges and Universities, Mr. Speaker: My question deals with the \$322,000 settlement made between the board of governors of Ryerson and the former vice-principal of that school. Mr. John Parkin, who chaired the meeting of the board of governors in which this settlement was made, has refused to disclose the reasons for it, even given that at least 80 per cent of that is taxpayers' money. He went on to say: "The only way those questions will be answered is if they are raised in the House."

Mr. Speaker: Does the member have a question?

Mr. Sweeney: I am raising it in the House. Can the minister explain why the board of governors of Ryerson would give \$220,000 to a former vice-principal of that school—taxpayers' money?

Hon. Mr. Parrott: Mr. Speaker, I think we would have to accept that the board, who considered this problem at some length, will give information on that subject. Knowing that members might be concerned about this

particular problem, I asked the president to prepare a letter for their information—

Mr. Conway: Good fellow, the president.

Hon. Mr. Parrott: —and I will be pleased to see that the member has a copy of that, which we received this morning. I will table it in the Legislature.

Mr. Sweeney: A supplementary: My understanding is that this same board of governors in 1973 negotiated a contract with this former vice-principal of approximately \$1 million, lasting a period of 14 years. Is there any monetary mechanism whatsoever between the Ministry of Colleges and University Affairs and the boards of governors of any institutions that would speak to such a astounding contract settlement?

Hon. Mr. Parrott: Mr. Speaker, I think the hon. member for Kitchener-Wilmot will accept that an audited statement of Ryerson Polytechnical Institute is tabled each year in this House. I think, secondly, that members would accept that the responsibility clearly rests with the board for their decisions, not only in this matter but in all matters pertaining to that institution. I do not accept for one minute that we should interfere in the normal course of the duties of a board that not only has representatives appointed by the Lieutenant Governor in Council, but indeed by the students and indeed by the faculty. I remind the member opposite that the board came to that unanimous decision after a great deal of deliberation.

Mr. Speaker: The hon. member for Windsor-Sandwich with a supplementary.

Mr. Bounsall: Thank you, Mr. Speaker. Inasmuch as the decision was made in 1973 by a majority of board members that were appointed by this government, would the minister not agree that the problem would not have arisen if, at that time, there had been a fair complement of both students, faculty, and support staff on that board, and appointments to that board from a wider range of the public such as exists at the present time?

Hon. Mr. Parrott: I have no way of judging what might have happened in 1973 had a different composition of the board been in place. I think the member realizes, too, that there is a bill before this House to change the composition of the board and it will be debated in the near future.

Mr. Roy: As a supplementary to the answer given to my colleague the member for Kitchener-Wilmot, is the minister in fact suggesting that it's somewhat improper to ask a question questioning a decision of

a board; and secondly, that he as minister cannot intervene? Even though it's a unanimous decision of the board, in view of the facts given by my colleague the member for Kitchener-Wilmot, is this not taxpayers' money and are we not entitled to the full explanation of this?

Mr. Conway: What does the Treasurer think?

Hon. Mr. Parrott: I think if the member would listen to what was said—

Mr. Roy: I did.

Hon. Mr. Parrott: —I was prepared to table for this Legislature today a full report from the president, outlining the rationale of the decisions made by that board.

Mr. Sargent: You said you couldn't intervene.

Hon. Mr. Parrott: Does the member want the responsibility for all of our post-secondary institutions—

Mr. Roy: No.

Hon. Mr. Parrott: —to be eroded by the taking on of that responsibility by the minister? I say to him that it's fundamental to our society that those charged with the responsibility—

Mr. Nixon: This guy is going to go far.

Hon. Mr. Parrott: —make the decisions and be held accountable for those decisions.

Mr. Roy: It is taxpayers' money. The minister should intervene.

Mr. Sweeney: Is the minister aware of the fact that the president of Ryerson was not aware of this agreement and didn't find out about it until the last four months; and does he think that that's proper? Coming back to his other point, when the minister says that a settlement shouldn't be questioned, is there any limit at which it should be questioned?

Hon. W. Newman: What is wrong with the president?

Hon. Mr. Parrott: I again have to remind the minister—or the member—that if he would look at the record—

Mr. Roy: He should be the minister.

Hon. Mr. Parrott: —I did not say that a decision should never be questioned, I said the responsibility for that decision must rest with those who made it. There's quite a difference.

Mr. Breithaupt: With those who appointed them.

Mr. Speaker: There have been sufficient supplementaries.

OTIS ELEVATORS

Mr. Deans: I have a question of the Treasurer. If I understand the Treasurer and the government correctly that they are pinning their hopes for employment on the private sector primarily, would the Treasurer look into a situation in which the recent—not recent—but the takeover, by Hughes Corporation of Otis Elevators, resulted in a directive being sent to the Canadian subsidiary that they were not to quote on large jobs, that they were to confine themselves to small construction within their own jurisdiction? Doesn't the Treasurer feel that that will have an adverse effect both on employment and the economy of Ontario?

Hon. Mr. McKeough: I'll be glad to look into it.

NANTICOKE PLANT

Mr. Reed: I have a question of the Minister of Energy. Can the minister tell the House how much money has been spent this year on repairs at the nearly new generating plant at Nanticoke, approximately what percentage of those repairs were underwritten by the equipment suppliers themselves through warranty and what percentage will be paid by the purchasers of electric power?

Hon. J. A. Taylor: I will take that question as notice and get the detailed information for the member.

Mr. Cassidy: You have had five months to prepare for this.

Mr. Lewis: I see you have Tom Coleman on your staff; you're smartening up now.

Mr. Cassidy: He needs Tom Coleman too.

MINIMUM WAGE

Mr. Cassidy: A question to the Minister of Labour: Since the minister recommended to cabinet a year ago that the minimum wage be raised to \$2.90, can she say what recommendation she is now making about a minimum wage increase and what action is likely to come from the government?

Hon. B. Stephenson: While I admire the hon. member's psychic capabilities, I would really not be able to tell him today that there is any movement afoot in that area. We are still awaiting some studies which are being carried out.

Mr. Cassidy: We read the memo.

Mr. Breithaupt: How about \$4?

Hon. Mr. Rhodes: How about \$4?

Mr. Cassidy: Supplementary: In view of the fact that the cost of living has gone up by 11½ per cent since the last adjustment

of the minimum wage and in view of the material that the minister now has arguing that a fairer level is desirable, can she say what information is holding back this decision?

Mr. Laughren: What province are you waiting for?

An hon. member: It is the lowest minimum wage in Canada.

Hon. B. Stephenson: Oh no it is not; it is most certainly not the lowest one in Canada.

Mr. Speaker: Order, please. A question has been directed to the Hon. Minister of Labour. Give her the courtesy of allowing her to answer.

Hon. B. Stephenson: Thank you, Mr. Speaker.

Mr. Makarchuk: She is waiting on Pakistan.

Hon. B. Stephenson: It is an area which requires a great deal of study, one which certainly cannot be moved upon with any degree of certainty unless we are aware that there will not be an impingement upon job opportunities by sudden movement or major movement of the minimum wage package.

Hon. Mr. Rhodes: Look at all those free-loaders over there.

Hon. B. Stephenson: This is the area which is being studied, and when that is completed we shall be reporting.

Hon. Mr. Rhodes: Social workers, teachers—they don't know anything about that.
[4:15]

Mr. Samis: Why should the people of Ontario have to accept the second lowest minimum wage in Canada?

Hon. B. Stephenson: I'm sorry, Mr. Speaker, was the question "Why they would have to accept?"

Mr. Samis: Why they should have to accept?

Hon. B. Stephenson: Mr. Speaker, they do not have to accept the second lowest minimum wage in Canada. But, indeed, I would remind the honourable member for Cornwall that this province's industries do not compete with Ottawa, nor with Quebec City, nor with Winnipeg. They compete with the states of New York, Michigan, Illinois and Ohio where the minimum wage is at least 30 cents lower than ours. We do not want in any way to damage the already precarious competitive position of the small manufacturers in the province of Ontario, we must be responsible in whatever movement we make in the minimum wage.

OHTB BUS LICENCE

Mr. Sargent: Mr. Speaker, a question of the Minister of Transportation and Communications: In view of the fact that only two of the seven members of the Highway Transport Board were present when Greyhound lines were granted a certificate to operate; and due to the fact that the chairman, Mr. Shoniker, told me, at the time, that he was disturbed at the pressures of the Bay Street gang, would the minister advise why the board established for the first time in history a new policy of direct competition by different companies on the same route, thus reversing a long-standing government policy, something which only this Legislature can do and something which the minister cannot do himself?

And secondly, in spite of an appeal launched by Gray Coach Lines and Local 113 of the Transit Union against this decision, why were the licences issued immediately?

Hon. Mr. Snow: Mr. Speaker, there are several questions in that one question. As the hon. member is well aware, the decision of the Highway Transport Board on this particular licence is in the process of appeal before cabinet at this time. I'm sure he is well aware that when the decision was handed down last year a new hearing was ordered. That hearing was carried out and a report was received about the middle of July of this year. The report was submitted to the Lieutenant Governor in Council, who is considering the appeal of the Gray Coach Lines and the United Transit Workers' Union.

The process of dealing with that appeal involved my colleague the Attorney General (Mr. McMurtry), whose staff processes such appeals. Then there was a requirement to allow 60 days after that second decision was granted by the board for Gray Coach Lines, the main participant, to respond. I will point out that Gray Coach Lines took their full 60 days, and I believe their response was submitted about September 20 or 21. Then there was a period for the applicant in the case to respond to the Gray Coach response, and that, I believe, was received about a week ago; I received on my desk, I believe it was Friday, the final Gray Coach response to the response to the response. And now, it is my understanding subject to correction from the Attorney General—

Mr. Conway: Don't worry about that.

Mr. Roy: Make sure you don't get him to argue with me.

Hon. Mr. Snow: —that the Lieutenant Governor in Council is now in a position to deal with this appeal having received these dif-

ferent responses through the normal legal process. I would hope, Mr. Speaker, that cabinet would now be in a position to deal with this appeal expeditiously.

Mr. Sargent: Is the minister aware that this Phoenix-based Greyhound Corporation, the largest in the world of its kind—with rumoured Mafia connections, which I hope the minister has checked out—has been given a blank cheque here, not only to make millions of dollars, but at the expense of a publicly-owned corporation? Will the minister assure this House that the cabinet will either revoke this licence now or bring it before the Legislature for full examination?

Hon. Mr. Snow: No, Mr. Speaker, I cannot give the hon. member or this House that undertaking. Cabinet will deal with the appeal that is before it and, as I said, I hope now that all the information is together the cabinet will be able to deal with the matter expeditiously.

BURNING PCBs

Mr. Bounsall: A question of the Minister of the Environment, Mr. Speaker: Will the minister reverse the stand in support of the burning of PCBs by Peerless Cement on Zug Island in the Detroit River that his ministry has now taken before the Wayne county board of health and the Detroit city council; inasmuch as no production system in continuous operation can be made fail-safe and, secondly, any failure of that burning system there will dump, as a result of the prevailing winds, the highly toxic and cancer-producing PCBs over the west side of the city of Windsor?

Hon. Mr. Kerr: Mr. Speaker, it is my information that the proposal for the Peerless plant is the same as the method used by the St. Lawrence Cement plant in Mississauga. That method has been tried at Mississauga and is successful.

Mr. Bounsall: On a pilot scale only.

Hon. Mr. Kerr: Yes, a pilot scale, but using a substantial amount of PCB-contaminated material, up to full capacity at some time. We're not concerned with the quantity as much as the length of the time of the experiment. We're satisfied, from the information we have from those who are monitoring that project—which includes at least two federal agencies as well as two provincial agencies—

Mr. Bounsall: That it will never fail.

Hon. Mr. Kerr: —that this is a successful method of destroying PCB-contaminated material. If Peerless uses the same method, and this is our understanding, then it is safe. It is much safer, certainly, than using a land fill.

The hon. member knows there is a substantial amount of this type of material generated on both sides of the border. Much of what we generate in Canada is exported to the United States so we have some interest in seeing that that facility is established.

I don't know what more the ministry can formally say at those hearings, except that if the scientific process that is to be used there, the technology that is to be used at that plant, is similar to what is being used in Canada, in Mississauga, then we accept it. We have to have a solution to this problem and as far as we are concerned this is the best solution.

Mr. Bounsall: Supplementary, Mr. Speaker: Surely the minister sees the difference between a pilot-scale project at Mississauga and one in which there is going to be continuous burning of this substance in a populated area, particularly when that populated area is in the highly populated west side area of Windsor.

I can see where the minister might support the burning of it in a plant that is not in a built-up area, but surely the minister cannot support the set-up of this plant in which he has an operation that he cannot guarantee will be fail-safe and will dump those offending gases on the people of Ontario.

Hon. Mr. Kerr: Mr. Speaker, I think the hon. member will admit that certainly the St. Lawrence Cement plant in Mississauga is in a built-up area. Secondly, we have completed that project; experimentation at Mississauga has been completed and the company is now in the process of making an application for a permanent certificate. We're satisfied that the experimentation there was a success.

I was under the impression, from the information I have, that Peerless will at first be somewhat under the same type of ground rules; the company will be limited as to quantity and it will be closely monitored right at the plant site as well as in the surrounding area. That would include, as far as we are concerned, monitoring in Ontario. Again, the monitoring will be such that we are hoping there will be no danger to any of the residents in the area.

Mr. Foulds: Hope springs eternal.

Hon. Mr. Kerr: Another point—I was trying to remember what the other point was the hon. member raised—remember that this disposal is being carried out at a cement plant. It is not a separate plant strictly for the burning of PCB-contaminated material; it is a cement plant that has been modified and converted to do just that. I would think, with the continuous monitoring and the checking, that this is as safe as any type of

industrial facility of this kind; safer than making cement, frankly.

Mr. B. Newman: A final supplementary: Is the minister aware that the burning of PCBs in a cement plant leads to a condition known as puffing or a back draft, where not only are the PCB contaminants thrown back in at the operators, but also there is a substantial increase in the amount of contaminants and dust particles that are emitted into the atmosphere?

Hon. Mr. Kerr: I hope the hon. member is getting his information correct. We always have these great, sensational scare statements regarding any type of safe disposal. What does he want us to do—leave it rot in the ground or enter some lake or stream and really be of danger?

Mr. Roy: Are you suggesting there is no puffing?

Hon. Mr. Kerr: Mr. Speaker, the only thing I can say is that a cement plant has to be modified and converted before it can handle PCB-contaminated material. An ordinary cement plant cannot handle the material. There is a substantial amount of modification to that plant; it is a costly conversion, but it is safe. From the information I am getting it is safe, both within the plant, to the employees in that plant, as well as from the point of view of emissions.

Mr. B. Newman: A supplementary: Is the minister aware that Monsanto, the manufacturer of the PCB in the first instance, has phased out the burning procedures that it had in the past? It is phasing out completely and now leaving the responsibility to governments to resolve; and that also—

Mr. Speaker: Question?

Mr. B. Newman: Yes. Will the minister look at the brief and the report presented to his ministry by Dr. Edwards, a professor of law at the University of Windsor, concerning the dangers of burning PCBs, both in the St. Lawrence facility and also in the one in Delray, Michigan?

Hon. Mr. Kerr: Mr. Speaker, I don't know what a professor of law would know about the danger of burning of PCBs.

Mr. S. Smith: You are a lawyer.

Hon. Mr. Kerr: But I am not an expert.

Hon. Mr. Davis: He is not a professor of law.

Hon. Mr. Kerr: The hon. member must realize that there is a hearing going on at the present time dealing with this application. All the information and the points that he has raised would certainly be considered by that

hearing board in respect to the Peerless application.

If Dr. Edwards is an expert in this I would assume that he would appear before that board before any licence is issued to Peerless.

Mr. Speaker: Final supplementary the hon. member for Windsor-Riverside.

Hon. Mr. Kerr: Haven't we got a Tory member down there?

Mr. Cooke: Mr. Speaker, I would like to ask the minister if he would at least be willing to meet with the members of the city of Windsor administration? He has not done this so far; as minister he gave approval to this application before even consulting with local officials. I would like to ask him if he would now be willing to talk to Windsor's director of pollution control and the mayor, especially in view of the fact that the people in the city of Windsor and the local government have said that they are willing to take this application to court?

Hon. Mr. Kerr: Yes, Mr. Speaker, I would be willing to meet with the representatives of the city of Windsor, and anybody from Windsor.

[4:30]

Mr. Speaker: The hon. member for Armour-dale.

Mr. Conway: I see Phil has lost weight.

ROBARTS COMMISSION

Mr. McCaffrey: I have a question of the Treasurer, if I may.

In view of the fact that the Robarts commission report is being studied and analysed by members of council in the borough of North York as in other boroughs of Metro Toronto, and in view of the fact that the borough of North York is being treated fairly harshly in this recommendation, would the Treasurer consider extending the deadline for them to present their brief beyond October 31, perhaps until the end of November?

Hon. Mr. McKeough: Mr. Speaker, there have been a number of requests to extend the deadline and I think without setting a date, we have indicated, if memory serves me correctly, that we would like to have the briefs in as quickly as possible. I think a number have indicated they would have them in by the end of November, so that would seem reasonable.

RIVERVIEW HOSPITAL

Mr. B. Newman: Mr. Speaker, I have a question of the Minister of Health. Has he or has he not ordered the closure of Riverview hospital in the city of Windsor?

Hon. Mr. Timbrell: Mr. Speaker, I have extended indefinitely the closing date of the Riverview unit of Windsor Western Hospital.

Mr. B. Newman: Supplementary: On what basis did the minister originally decide that he was going to phase out and close the hospital?

Hon. Mr. Timbrell: There is a very lengthy history to the Riverview situation, which goes back into the 1960s. The original order was sent over the signature of the deputy minister, I think, in early 1976.

Mr. S. Smith: Brings back memories, does it?

Hon. Mr. Timbrell: My own decision was based on the thorough report that was prepared by the district health council as to how the earlier decision could be implemented—and I emphasize that it is "how," because the decision was taken by the ministry—and on a personal examination of all of the hospitals and hospital units in Windsor.

Mr. Cooke: Supplementary: I would like to ask the Minister of Health if he ever reconsidered the closure of Riverview hospital; and if he did why did he make statements to the press to the contrary?

Hon. Mr. Timbrell: I'm sorry. Made what statements to the press?

Mr. Cooke: Statements to the press that the minister never did reconsider his predecessor's decision.

Hon. Mr. Timbrell: This is something that concerned me in some of the articles I read. Let me make something clear: When I went into the ministry there was hanging over, if you will that unit of that hospital—it is not a hospital; it is a unit of a hospital—the order to close by the end of March.

Mr. Wildman: The shadow of death.

Hon. Mr. Timbrell: Since the district health council report was not completed and the indications were it would not be completed until about the middle of April and since I wanted an opportunity obviously to review that report and to allow for reactions to it from whatever source, then I extended the date until the end of September.

I would have to say that in going to Windsor, as I did on April 15, to receive personally the report of the health council and personally to tour Riverview hospital—

Mr. Nixon: It's only a unit!

Hon. Mr. Timbrell: —and in going to Windsor in the summer of this year to view the other hospitals and the other unit of Windsor Western, I was trying to keep the most open possible mind on the subject.

Mr. S. Smith: Before the election.

Hon. Mr. Timbrell: I wasn't trying to play any games on this.

Interjections.

Mr. Speaker: Order, please. That wasn't part of the original question.

Hon. Mr. Timbrell: What it still comes down to in the final analysis is that so long as there is empty space in the other hospitals, so long as we face the kind of problems with the availability of capital dollars in this province—I have to tell the hon. members that the list of capital wishes, if you will, from all of the hospitals in the province totals something in the order of \$700 million to \$800 million, and in this current year we have \$100 million to meet that.

Mr. Cooke: That's not the question. That's not what I asked.

Hon. Mr. Timbrell: So long as there is empty space in other hospitals, I cannot in all good conscience possibly consider either approving a new hospital or letting continue, without some action, a duplication of expenditure in effect.

Mr. S. Smith: Supplementary: Do I understand that the minister is saying that when empty space exists in certain hospitals he will necessarily move to fill that space even if it means having to duplicate specialized facilities, such as rehabilitation facilities that are at the Riverview unit? Is he going to fill space with any kind of duplicated facilities? Surely he didn't mean to say that?

Hon. Mr. Timbrell: Mr. Speaker, it is obvious from the question the hon. member hasn't read either the task force report or the report of the district health council. If he'll look into it, he'll find out that what is proposed is a splitting up of the 120 beds at present at the Riverview unit, the majority to go to the IODE of Windsor Western—where there is already a chronic program under the same administration, under the same philosophy—and other beds to go to other hospitals that are at present operating—

Mr. S. Smith: Which will have to duplicate the rehabilitation facility.

Hon. Mr. Timbrell: No, no, Mr. Speaker.

Mr. Bounsall: Supplementary: Inasmuch as the committee of the district health council that studied chronic care recommended that Riverview be kept open until new facilities were built, and since Riverview hospital—from its own funds; not from any ministry funds—is willing to build a 120-bed, entirely new unit geared to chronic care; surely the minister, under those conditions, would rather see that done than have a lengthy court

battle over the keeping open of the Riverview unit?

Hon. Mr. Timbrell: Mr. Speaker, first of all, the task force did not recommend the maintenance of Riverview until the new unit is opened. It indicated that that would be its preference, but given the fact that the ministry had directed that the Riverview unit be closed, which decision was made in recognition of the fact that space was available—

Mr. Cassidy: They are puppets, then.

Hon. Mr. Timbrell:—at significant savings in operating costs through the closure of the Riverview unit and the amalgamations into IODE and into the other hospitals in the area—

Mr. Cooke: That was your decision, not theirs.

Hon. Mr. Timbrell: That's the ministry's decision and it should not be pinned on the district health council, as some members over there tried—and in fact I think you're the one who tried. That was the ministry's decision and we'll take full responsibility for it.

Mr. Bounsall: You are still wrong.

Hon. Mr. Timbrell: The health council's responsibility was to show how that could be done, and in that regard they did an excellent job.

As far as the second part of the question is concerned, the reason again comes back to the fact that notwithstanding—and I don't believe the offer has been made for the total cost; the offer that was made at a meeting I had in the summer in Windsor was something of the order of \$4 million—notwithstanding that, it would mean additional operating expenses. The experience of the ministry is that for every dollar you spend this year on capital expenditures for a new facility, between now and two years from now you will spend an equal amount in operating expenses. In other words, it's a relationship of 50 cents to every dollar of capital, which goes on forever and has to be a major consideration in looking ahead to the future facilities.

VISITOR

Mr. Speaker: Before I recognize the hon. member for Beaches-Woodbine, could we have these bright lights turned off, now that there are no television cameras in operation? While I'm on my feet, I would like to bring to the attention of members that His Excellency Mario Gomez D'Ayala, the President of the Legislative Assembly of the Compania region in Italy, is in our galleries.

Would you join me in welcoming him, please?

REED PAPER

Ms. Bryden: Mr. Speaker, I have a question of the Minister of the Environment. Can the minister tell us why he has apparently decided not to appeal the court decision which imposed pinprick fines of \$1,000 for each of five counts against Reed Limited for discharging contaminants into the Wabigoon River last year, when the maximum fines provided in the legislation for a first offence are \$5,000 per count?

Hon. Mr. Kerr: Mr. Speaker, we are still waiting for the transcript of that decision.

Mr. Lewis: Still?

Hon. Mr. Kerr: Yes.

Mr. Breithaupt: It might be a little late to appeal,

Hon. Mr. Kerr: I would assume we would have to have formal notification of the decision and the reasons for the decision. There are some problems regarding how he arrived at the decision in the first place and also some of his comments regarding the amount of the fine for the five different counts. So we want to have that before we make any decision to appeal.

Ms. Bryden: Supplementary: When the minister receives the transcript of the judge's decision, will he also look at the judge's comments, some of which have been reported in the paper, regarding the ambiguities in the Act and the amending practices followed by the government for this Environmental Protection Act which make it difficult to implement the principle that polluters must pay for the damage done to the environment?

Hon. Mr. Kerr: The judge's comments were in respect to the control order. He was of the view that as long as a control order is in existence we shouldn't take action against the company, although it's obvious that the company cannot meet the requirements of the control order. That is something my ministry is disputing, as far as those comments are concerned, and that would be one of the grounds for an appeal.

Secondly, any clarification or clearing up of any ambiguity can be done by some simple changes in regulations. Certainly we can do that even without waiting for a copy of the transcript or appealing.

Mr. Foulds: Is the minister not aware that the judge directed some of his comments to ambiguity in the actual legislation—at least as they were reported in the press—and would he take notice of those very carefully

when reading the transcript? Secondly, is his instinct to go along with the judgement the lawyer who pursued the case for the ministry, to appeal the case, as he has been reported to have said to the press in Thunder Bay on the radio media?

Mr. Roy: If you wait to read the transcript, you'll be out of time on your appeal.

Hon. Mr. Kerr: Yes; and I would think that the lawyer who attended on our behalf would naturally have that feeling, he wanted a bigger fine.

Mr. Roy: He was a finer, was he?

Hon. Mr. Kerr: He wanted at least five figures.

Interjections.

Hon. Mr. Kerr: There's no question that the amount is small after preparing for a case and sitting on a case taking at least three months of his time. So he's bound to have reacted that way. As the member for Ottawa East will tell you, any good lawyer will act that way,

Mr. Roy: Oh, yes.

Hon. Mr. Kerr: Even if he doesn't get his fees.

Mr. Roy: Depending on the size of the retainer, of course.

Hon. Mr. Kerr: After talking to him, I must say that was my immediate reaction as well.

BEAN CROP

Mr. Riddell: I have a question of the Minister of Agriculture and Food. Just as a prelude to my question, I hope the minister didn't sell any of this year's white bean crop to Japan or other countries he visited.

In the interests of the white bean industry in Ontario, what assistance might be forthcoming to those processors, including the Ontario Bean Growers Co-op, for beans they have sold that they do not have and are not likely to get because of the weather conditions which have prevailed, and which I understand will be continuing for some period of time; or are we going to let them go bankrupt the way we did some of the meat-packing plants that I think we could have helped had we stepped in at the time?

Mr. Conway: Give them the member for Middlesex (Mr. Eaton) in a trade.

Hon. W. Newman: In answer to the member's question, I realize the serious problem the white bean producers have had this fall because of the harvesting conditions. The latest report I have as of this morning is that there will be approximately 600,000 bags available because of the change of the

regulations to allow the darker coloured bean to be graded No. 1.

Mr. Riddell: There have been 850,000 sold.

Hon. W. Newman: I realize that the bean hasn't through the various brokers has forward-sold 800,000 bags of beans—closer to 900,000. I understand the domestic market will be all right, I understand the UK market will probably be all right; it will be the other markets that we will be concerned about. The question is whether the government—and we are looking into this now—should be responsible for buying up contracts that the private sector people took with those people. Taking into consideration that only 60 per cent of the white bean crop was covered by crop insurance—40 per cent was not covered by crop insurance—should we be trying to help those people out or should we be looking at ways to help out the producers across the province, not only in white beans but in many other crops that have suffered severely because of wet weather in the last month?

Mr. Speaker: The oral question period has expired.

Mr. Lewis: I thought the Minister of Consumer and Commercial Relations (Mr. Grossman) handled himself well.

[4:45]

Mr. Speaker: Petitions.

REPORTS

RESOURCES DEVELOPMENT COMMITTEE

Mr. Mancini from the standing resources development committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 22, An Act to amend the Labour Relations Act.

Your committee further recommends that an industrial inquiry commission as proposed by the Ministry of Labour should be established.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

Hon. Mr. Norton presented the report of the Ministry of Community and Social Services for the fiscal year 1976-77.

MOTIONS

APPOINTMENT OF DEPUTY CHAIRMAN

Hon. Mr. Welch: Mr. Speaker, as members of the House will know the member for Simcoe East (Mr. G. E. Smith) has assumed the duties of a parliamentary assistant and he has therefore resigned as deputy chairman of the committees of the whole House. Perhaps I could take this point to say that all members are sorry to see him leave but wish him well in his new responsibilities.

Hon. Mr. Welch moved that the member for Wilson Heights (Mr. Rotenberg) be appointed deputy chairman of the committees of the whole House for this session.

Motion agreed to.

HOUSE SITTINGS

Hon. Mr. Welch moved that unless otherwise ordered, the House will not meet in the chamber on Wednesdays for this session.

Mr. Roy: Oh, come on. Not that again.

Motion agreed to.

COMMITTEE SUBSTITUTIONS

Hon. Mr. Welch moved that the following substitutions be made on the following committees:

The standing social development committee: Mr. Rowe for Mr. Baetz; Mrs. Campbell for Mr. Van Horne.

The standing resources development committee: Mr. Davidson for Mr. Stokes; Mr. McNeil for Mr. Johnson; Mr. Rollins for Mr. Belanger; Mr. Turner for Mr. Eaton; Mr. Yakubski for Mr. Ashe; Mr. Riddell for Mr. Mancini.

The standing administration of justice committee: Mr. Baetz for Mr. Grossman; Mr. Eaton for Mr. Turner; Mr. Handleman for Mr. Drea; Mr. Warner for Mr. Renwick.

The standing general government committee: Mr. Belanger for Mr. Rotenberg; Mr. Hodgson for Mr. Hennessy; Mr. G. E. Smith for Mr. McCague.

The standing public accounts committee: Mr. Cureatz for Mr. Hennessy; Mr. Handleman for Mr. Drea; Mr. Leluk for Mr. Grossman.

The standing members services committee: Mr. Eaton for Mr. Ashe; Mr. Gregory for Mr. Hodgson.

The standing statutory instruments committee: Mr. Hennessy for Mr. Cureatz; Mr. Johnson for Mr. Rotenberg.

The Ombudsman committee: Ms. Gigantes for Mr. Renwick.

Motion agreed to.

INTRODUCTION OF BILLS

FAMILY LAW REFORM ACT

Hon. Mr. McMurtry moved first reading of Bill 59, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Motion agreed to.

CHILDREN'S LAW REFORM ACT

Hon. Mr. McMurtry moved first reading of Bill 61, An Act to reform the Law respecting the Status of Children.

Motion agreed to.

SUCCESSION LAW REFORM ACT

Hon. Mr. McMurtry moved first reading of Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Motion agreed to.

MARRIAGE ACT

Hon. Mr. McMurtry moved first reading of Bill 62, An Act to revise the Marriage Act.

Motion agreed to.

SURROGATE COURTS
AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 65, An Act to amend the Surrogate Courts Act.

Motion agreed to.

PRIVATE ROAD ACCESS ACT

Mr. MaecK moved first reading of Bill 63, An Act respecting Motor Vehicle Access to Property by Private Road.

Motion agreed to.

Mr. MaecK: Mr. Speaker, this bill is designed to protect the interests of a person who is dependent upon a single private road for motor vehicle access to his property. A person who wishes to close a private road may do so upon obtaining a court order or by meeting one of the other exceptions set out in this particular bill. The bill does not affect rights of ownership of land, but it contemplates that in the case of a dispute concerning property rights the road will remain open until the rights of the parties are determined, unless circumstances arise that justify the making of a closing order.

SMALL BUSINESS ACT

Mr. Eakins moved first reading of Bill 64, An Act respecting Small Business in Ontario.

Motion agreed to.

Mr. Eakins: Mr. Speaker, the purpose of this bill is to provide for the preservation and expansion of small business enterprises in Ontario. The bill provides for government efforts relating to tendering policy, subcontracting, research and development, and small business co-operatives as a means of providing support for a small business enterprise.

EDUCATION AMENDMENT ACT

Mr. Stong moved first reading of Bill 66, An Act to amend the Education Act, 1974.

Motion agreed to.

Mr. Stong: Mr. Speaker, this bill defines compulsory school age and special education, guarantees every child of compulsory school age a right to an education, and transfers the establishing of special education programs from the discretion to the duty of a school board.

LABOUR RELATIONS AMENDMENT ACT

Mr. Stong moved first reading of Bill 67, An Act to amend the Labour Relations Act.

Motion agreed to.

Mr. Stong: Mr. Speaker, this bill defines hospital pharmacists and establishes a bargaining unit of hospital pharmacists as an appropriate unit for collective bargaining.

LABOUR RELATIONS AMENDMENT ACT

Mr. Cassidy moved first reading of Bill 68, An Act to amend the Labour Relations Act.

Motion agreed to.

Mr. Cassidy: Mr. Speaker, this is a simple bill, which is designed to preserve the collective bargaining rights of employees of a business that has relocated. It also gives those employees the right to transfer to the new location rather than being left both without job security and without bargaining rights as is the case under the present legislation.

[5:00]

LABOUR RELATIONS AMENDMENT ACT

Mr. Breaugh moved first reading of Bill 69, An Act to amend the Labour Relations Act.

Motion agreed to.

Mr. Breaugh: Mr. Speaker, the purpose of this bill is to prevent the hiring of strike-breakers and to control access to a work premises that is affected by a strike or a lockout. The bill prohibits an employer from hiring or using the services of a person to

do the work of an employee who is on strike or locked out. When a legal picket line is established, access to the work premises is limited to persons specifically authorized by the bill. The bill further defines the role of the police during a lawful strike or lockout. It is the duty of the police officer, stationed at a place of work where a picket line is assembled, to ensure that no unauthorized person enters that place of work. Any unauthorized person entering that place of work or doing the work of an employee on strike or lockout is liable to proceedings under the Petty Trespass Act.

RESOURCES DEVELOPMENT COMMITTEE

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to remind members of the House that the standing committee on resources development will meet this evening at 8 to consider the estimates of the Ministry of Labour and other committee meetings as set out in the orders on page six.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Also, before the orders of the day, I wish to table the answers to questions 16, 17, 19 and 22 standing on the notice paper. [See Appendix B].

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

Mr. Chairman: The committee will now consider the estimates of the Solicitor General and as this is the first meeting of the committee of supply in this session I would just like to remind the members, and particularly the new members, that it has been the way of operation in the past to have the minister lead off, to have the critic of each opposition party make an opening statement and then the minister would reply. So at this time I call on the Solicitor General for any opening remarks.

Hon. Mr. MacBeth: Thank you, Mr. Chairman, I would first ask leave of the committee, if I may proceed to the front benches here—a place I am not used to sitting—so that I may have the closer advice of some of my staff. Thank you very much, Mr. Chairman.

In commencing my estimates I would, of course, like to take a minute to pay tribute to the retiring Speaker of the House, the member for Northumberland, (Mr. Rowe) for

the very patient way he has handled this difficult House, for his kindly manner and, of course, he is always the gentleman. I sometimes think if the members of the House had been as gentlemanly as the Speaker was, we might have made his lot a lot easier. I understand that he will be back tomorrow and we will welcome him at that time; but since this was my first opportunity to pay that tribute, I wanted to do so.

As for the newly-appointed Speaker today—the member for Lake Nipigon (Mr. Stokes)—we all know him as a no-nonsense man, a man who is always firm yet always fair. I am sure he is going to bring to this House some of the decorum that it has lost in the last few sessions. I hope when he lays down a rule that there will be a ban on coffee drinking and such nefarious practices as that, I hope he will also lay down a ban on the abuse of ministers and the Solicitor General in particular. We'll wait to see what comes up.

Mr. Chairman, I congratulate you on your retention of office. I do not know whether that is the proper thing to do on this occasion or not but knowing what a good job you have done I am pleased you have seen fit to remain in office. And, of course, I compliment the member for Wilson Heights (Mr. Rotenberg) on his appointment as your deputy.

As you have said, these are the first of the estimates of the Justice policy field to be presented at this renewed session. I know there will be the other four ministers to follow—that is, the Attorney General, Consumer and Commercial Relations, Correctional Services and, finally, the policy field.

I'd like to take just a moment to say, dealing with the estimates of the Solicitor General, I am looking forward to the co-operation of the critic from the Liberal Party, the member for York Centre (Mr. Stong) and of the NDP, the member for Dovercourt (Mr. Lupusella). I hope I will be able to exchange certain information with them, not just in regard to estimates but, more particularly, in some of the legislation I hope to bring forward in this short term. We will need their co-operation to get it passed through the House. I hope to have an opportunity to discuss it with both those critics in order that it might be expedited, or at least to find those positions in which we are on common ground and, on that basis, certain legislation might be brought forward which we might not be able to do if it was contentious and had a long passage scheduled for it.

I would like to present to you a review of the various programs and activities con-

tained in the estimates for the Ministry of the Solicitor General during 1977. Last year the ministry continued to take initiative in the related areas of law enforcement and public protection, which are always high priority with the government of Ontario. This is demonstrated through numerous programs—

Mr. Nixon: You sound like Phil Givens.

Hon. Mr. MacBeth: He is now one of the chief administrators of justice in the Metropolitan Toronto area and I know that the former member of this House, Mr. Givens, will serve well and already he is making his mark.

Mr. Nixon: Got any more of those vacancies?

Hon. Mr. MacBeth: We might look around for a few, if you are interested. We are always looking for good people and, wherever we find them and whenever we find them, we are glad to put them in positions of trust.

Mr. Lawlor: You're doing a little soft-soap-ing now.

Hon. Mr. MacBeth: What I wanted to say, before I was interrupted so politely, was that the high priority which Justice has demonstrated through numerous programs, many of which are concerned with the strong and consistent support of policing in this province of Ontario.

The program of fiscal restraint continues in all sectors of the economy and has required tighter control over budgets. Nevertheless, the cost of policing continues to increase. To maintain an effective level of policing, economies have been made wherever possible without adversely affecting public service. That is not always easy to do. We must try to constrain our expenditures and yet, as I say, policing is one of our prime responsibilities. We certainly don't want to see any reduction in the standard of policing across this province.

The economic constraints being exercised at both the provincial and municipal levels require a co-operative effort to provide Ontario with the policing services it requires. At the same time, provision must also be made for special assignments. The security arrangements made for the 1976 Olympics are an example of a large-scale operation which required a good deal of planning and execution involving a large number of man-hours and the use of equipment.

The introduction of two-man police cars on some shifts has also required a reallocation of resources and some programs have been affected. I note the change there is "some shifts." We certainly don't have universal

two-man police cars in this province. But the police are attempting to put it in where they feel wisdom dictates they should do so.

During 1976 the Ministry of the Solicitor General took the initiative in a number of areas where changes could be introduced so that the policing resources can be applied with a greater return on the investment. For example, the increase in volume of minor traffic offences and parking violations sometimes calls for an overly large amount of police activity related to the comparatively minor nature of the offences. This is especially so when compared with other important areas such as criminal intelligence, crime prevention and enforcement of more serious and more complicated types of offences.

In co-operation with the ministries of the Attorney General, Consumer and Commercial Relations, and Transportation and Communications, our ministry has been working on systems and techniques to provide the basis for effective enforcement of minor traffic offences. They will permit the police officers and equipment to be used on other tasks. This will help improve the level of service of policing in many areas.

It is also hoped that changes can be introduced which will help reduce the amount of time spent by police officers attending courts as witnesses. I hope we will get into that a little more deeply when we get further on into our estimates. But we certainly are doing all we can, or at least we have a plan to do all we can, to reduce the amount of police time that is required on these minor offences and in appearing in courts often when the defendants don't appear.

The Ministry of the Solicitor General assists the police forces by implementing a variety of safety programs. Through the Ontario Provincial Police, which is the third largest deployed force in North America and acknowledged as one of the best, policing is provided in all areas of the province. Increased emphasis has recently been placed on improved training, communications systems, Indian reserve policing, northern fly-in patrols and crime prevention activities.

Additional facilities and an expanded curriculum at the Ontario Police College have meant even better instruction for junior ranks and senior officers. The Ontario Police Commission works in co-operation with forces in a variety of ways to maintain high-quality uniform law enforcement. The use of a wide range of computerized, investigative and enforcement techniques is of great and growing value in fighting crime.

As part of our responsibility, my ministry has been continually alert to the problem of

organized crime in Ontario and has directed effective efforts to contain this type of activity. An excellent example is the joint forces operation, where two or more police forces aid each other in a concerted effort to deal with a particular organized crime problem that has been identified.

The success of the RCMP, the OPP and local police forces through joint force operations, with continuing assistance from the Ontario Police Commission, demonstrates the ability of various police units to co-operate. The JFOs have been operative since 1966, with an intensified effort since 1973.

Organized crime encompasses so many different types of criminal activity involving widely varying numbers of people that our methods to contain it must be kept at maximum efficiency. To be effective, our intelligence methods must be carried out quietly.

Last spring, a meeting was held by senior officials from my ministry, the Ministry of the Attorney General, the OPP, the RCMP and the Metropolitan Toronto Police. Their unanimous opinion was that a public inquiry into organized crime would not be in the public interest. Such an inquiry would certainly impair the effectiveness of police investigations which rely on undercover and surveillance activities that cannot be made public.

As these knowledgeable people pointed out, they have not had great difficulty in identifying major crime figures; the problem is in gathering appropriate evidence to arrest and convict such individuals. I am, therefore, not prepared to recommend that a public inquiry into organized crime in Ontario be held at this time.

[5:15]

That is not to say that at some time there may not be some service to the province that can be given by having such an inquiry. But it is the kind of inquiry that I think we want to keep away from and use as a last resort. Nobody is charged with a crime at that point, yet you bring them into a tribunal of sorts and ask them all kinds of questions. We talked about the protection of individual rights. It seems to me that almost Star Chamber type of inquiry is something that we may have to use, but certainly don't want to use, unless, as I say, it's a last resort.

Therefore, I am not prepared to recommend that a public inquiry into organized crime in Ontario be held at this time. We will continue, however, to make the public aware of the dangers of organized crime

but not through the medium of public inquiry.

What is urgently required are the people and the advanced systems to tackle the growing sophistication of modern criminals, especially those in organized crime. My ministry has increased its investigation activities, the most effective way to contain the problem. Existing joint operations have been expanded involving the major police forces in the province. In addition, the special services division of the OPP has developed substantially increased criminal intelligence and investigative operations in which other major forces participate.

Other ongoing activities include developing uniform standards of recruitment and performance, assisting forces in budgeting and control analysis, assisting record systems efficiency, handling appeals in discipline matters, maintaining a suspended driver control system with direct financial assistance from the province.

We also continue to provide financing help to municipalities to maintain their level of policing. Per capita grants to municipal police forces were increased 25 per cent from \$8 to \$10 as of April 1. Per capita grants for policing to regional forces have also been increased 25 per cent from \$12 to \$15.

We instituted a management development program for senior officers of the Ontario Provincial Police which was continued for six months on a rotating basis. The course will serve as a possible model for applications on a province-wide basis. The short-term management development program is designed to identify and train potential future managers to meet the expected rate of retirement from the force's management ranks.

The program consists of a series of 22 courses on a wide range of managerial skills. The design of a long-term management development program for all ranks up to staff superintendent began in 1975, as an extension of the short-term training program. Because of the need to include management education into a structured promotional system, a new process had to be developed to measure individual performance, training and promotion. To achieve this, a revised promotional process was designed and implemented in 1976. Some improved supervisory courses have been prepared by the Ontario Police Commission.

[The Indian policing service of the Ontario Provincial Police continued to expand and be improved. This program combines the use of regular OPP personnel and Indian band constables to carry out necessary law enforcement duties on the reserves. The OPP

administers the program, acts in a supervisory role and provides the required vehicles and related equipment. The band constable program employs people from various Indian reserves in the province who are appointed special constables. They carry out all law enforcement duties on their reserves. We have 71 special Indian constables in the program. They are located on reserves from Walpole Island in the west to St. Regis in the east and as far north as settlements along the shores of Hudson Bay.

In addition to this program, regular force personnel carry out law enforcement duties on Indian reserves and settlements where there are yet no band constables.

We maintain regular detachments on the Grassy Narrows reserve and sub-detachments on the Shoal Lake and Islington reserves. For these programs we employ two aircraft to patrol the northeast and northwest of the province. A crew uses an Otter aircraft stationed at South Porcupine to patrol the northeast section. It flies up the coast of James Bay and Hudson Bay and visits the communities there. The northwest fly-in patrol uses a Beaver aircraft out of Sioux Lookout. It visits 22 isolated Indian communities in the far north.

Members of the force visit the reserves as community police. We believe that to be effective, OPP personnel must be accepted as integral members of the northern communities. So, rather than fly in to answer complaints only, they patrol on a regular schedule. Our Indian policing programs have met with great success and we are constantly modifying them to improve the services.

During 1976 the OPP was very busy with security arrangements for the summer Olympics at Kingston. This involved a great deal of our manpower and equipment. They were also very much involved in planning for the royal visit made during the games. The fact that there were no untoward incidents during these events speaks highly for the efficiency of not only OPP but also that of the Canadian Joint Security Forces.

The OPP responded to the increasing use of citizen band radios. A pilot project was conducted to study the potential of CB radio as a further medium of public access to police. Signs are now posted along Highway 401 between London and Milton, advising that the OPP is monitoring the emergency channel 9. Over this channel OPP personnel respond to reports by citizens of accidents, congested traffic and other emergencies. Our study of the use of CB radio to assist the public will continue and the plan is to expand it to provide province-wide coverage.

Turning to the coroner's office, the chief coroner's office of forensic pathology and our highly regarded Centre of Forensic Sciences provide vital scientific and medical-legal investigation services. The coroner's office has increased its regional program by appointing three new regional coroners, located at Belleville, Bracebridge and Parry Sound. This brings the program of regional coroners to six appointments. These new regional coroners are functioning very well and taking over a number of investigations and, of course, they are the ones who handle most of the difficult inquiries.

I have a particularly keen personal interest in the relatively new Act administered by the coroner's office, the Human Tissue Gift Act. Dr. Cotnam tells me that transplant and research surgeons throughout the province strongly support the aims of the Human Tissue Gift Act. During the first three months of this year, the number of pituitary glands collected for growth hormone increased in Ontario to 1,619, an increase of about one third over last year. A similar increase has been achieved with eye donations. However, there is still at present a deficit in the number of eyes, kidneys and pituitary glands being donated. We hope to turn this situation fully around within the next few years through our collective efforts.

Mr. Chairman: There are a number of private conversations going on and I think it's difficult to hear. Would hon. members keep it to a minimum, please?

Hon. Mr. MacBeth: Thanks, Mr. Chairman. I know this is a little tedious in parts, but the part I'm dealing with now should have the interest of all of the members. I know there has been some publicity on it lately and some letters written about it; it's a program with little public support, and that's what is needed so that we can serve all of our constituents and particularly those in need of medical assistance.

A number of exciting and useful projects have been initiated recently with regard to the Act. The ministry has arranged with the Ministry of Transportation and Communications to add the name and address of Ontario's chief coroner to the consent form on the back of each new Ontario driver's licence mailed out. This will enable everyone who wishes further information about the Human Tissue Gift Act to write directly to Dr. Cotnam.

A memo to all chiefs of police throughout Ontario was sent recently by the chief coroner, requesting police chiefs to ask their officers to search for the consent form of any victim

of sudden and unexpected death in their jurisdictions. Naturally, coroners and pathologists are also reminded to do the same.

By 1978, 4.5 million consent forms will have been mailed out to Ontario's licensed drivers. After that, about 1.5 million new licences a year will be mailed to Ontario drivers. These people constitute a huge pool of potential organ donors. Steps are also being taken to make general consent forms more widely available and to reach those people who do not hold driver's licences.

To help increase the number of donors, the coroner's office is now in the process of producing a new brochure to explain to the public the goals and benefits of the Human Tissue Gift Act. The brochure will be in English, French and Italian and will answer the common questions about the Act. It will hopefully help to dispel some of the common fears or misconceptions the public may have. We are also considering using radio and television messages in an intensive yet low-cost information campaign aimed at increasing public co-operation with the organ retrieval program. I say we depend for the success of this program on an informed and sympathetic public. They are the key factor.

As there are many communities in northern Ontario where immediate fire protection is impractical and as there is a need to find a means of reducing the number of fire fatalities, the office of the fire marshal is conducting an educational program throughout the north. In conjunction with this program, the fire marshal is encouraging the installation of smoke detection devices which, if properly maintained, are effective in giving early warning to residents sufficient to enable them to escape from danger. That program is administered by the Ministry of Northern Affairs, but we are doing our best to advertise it and put it forward.

The detection devices provided under this program are not meant as a protection of property but for the saving of lives. The devices purchased under this plan are listed as products of combustion detectors by Underwriters' Laboratories of Canada. Once purchased, installation and maintenance of detectors are up to individual homeowners. By making funds available for such devices it is hoped that the government can help save lives of northern residents living in isolated homes distant from a fire department. But when talking about saving lives of northern residents, when I am speaking around the province I am also saying that these are ideal units for any home, whether they're in the northern part of the province or in

the city of Hamilton or downtown Ottawa or any other place.

In 1976, a regional fire prevention school was conducted at Thunder Bay and other types of training were provided to 637 fire-fighters in 66 training sessions. In that year, a great deal of effort was directed towards establishing pilot fire department projects and other services to unorganized communities. The normal training programs are continuing in 1977. In addition, regional fire-fighting schools took place at Sioux Lookout and Marathon. Regional fire prevention schools have also been held at the request of municipal councils. Fire services advisers conducted 23 municipal fire protection surveys in 1976. Twenty-six surveys have already been completed this year. These surveys evaluate present fire protection services and, where improvements are desirable, specific recommendations are made to council.

The ministry is involved with a number of public awareness programs. These are designed to help the general public gain a better understanding of crime and to motivate the public to help in crime prevention. The ministry office provides a media program to support the continuing efforts of the Ontario Provincial Police in this regard. The OPP is very effectively involved in police-community relations and crime prevention as part of its regular law enforcement programs. Six television public service announcements advising citizens of practical methods of crime prevention were produced by the ministry office and distributed to 35 television stations throughout the province. Fire prevention methods are demonstrated in eight fire-prevention public service announcements produced in both English and French and distributed to all television stations in Ontario.

We produced a half-hour motion picture designed to help reduce crime among young people between 16 and 20 years of age. This new film portrays the consequences of actions by youth, the future significance of a criminal record and the social disadvantages of such a life.

A print of this youth crime prevention film is held at every OPP detachment for local showings. As well, the ministry distributes the film for public showings which has stimulated widespread interest among police forces and social agencies.

To date, we have received requests for screening of it by more than 70 organizations in Canada and the United States. Prints of the movie have been purchased for their own use by about 25 outside agencies across the continent, including the federal govern-

ment, the RCMP and various governmental and civic groups.

[5:30]

Twenty radio messages on the subject of practical fire prevention and water safety were produced and distributed to 36 English and French radio stations throughout Ontario. As a matter of interest, it is the policy of my ministry to issue news releases, broadcast announcements and publications in both French and English. By doing this, we hope to ensure that both official language groups in the province are adequately informed about matters related to law enforcement and public safety.

Mr. Chairman, this concludes my review of some of the highlights of the Solicitor General's estimates. I look forward, sir, to the discussions of these items in more detail as they are brought forward and, once more, congratulations on your continuing position in the office of chairman.

Mr. Chairman: The member for York Centre.

Mr. Stong: Thank you, Mr. Chairman. Initially, I would join with my colleague, the minister, in congratulating you on your continued success as Chairman and also take this opportunity to add my support and congratulations to the new Speaker-elect of the House.

I would also like to take this opportunity, since I am the new critic for the Solicitor General, in preparing myself in this area of criticism, I would like to thank him for supplying me with the material that he is relying on in these statistics in order to prepare myself.

I think there are two ideas that I would like to weave into our review of the Solicitor General's office and his ministry at this time, and the first would be in keeping with a statement in his opening address that his ministry is requiring tighter controls over budgets. Perhaps we can demonstrate throughout this exercise that the Ministry of the Solicitor General can be combined with the Ministry of Correctional Services, thereby eliminating some of the bureaucracy that must be overburdening the government and the taxpayer.

Mr. Nixon: And one of the ministers. Which one?

Mr. Stong: I might also say that in my review of the material supplied to me, I question the need—perhaps it's redundant—for the Justice policy secretariat. I question whether it has any purpose at all, in view of the already existing Ministries of the Solicitor General and Attorney General. Keeping in mind those two themes that I would like

interwoven into this criticism and into the review of the Solicitor General's estimates, I would like to keep in mind the following points:

It seems to me the first consideration that we must have when we are considering the estimates of the Solicitor General is attitudes of the public towards crime and crime increase. Certain types of crime in particular are perceived as increasing, although last week we received statistics indicating that crime had decreased. I question, in fact, how those statistics are arrived at.

I question this ministry, and I will direct more specific questions on the individual votes in this area, whether, in fact, these statistics are based on the number of charges laid—we know that out of any given situation the police can lay duplicate charges or triplicate charges arising out of the same situation, perhaps with the intention of enticing a guilty plea to a lesser included offence—or are these statistics derived from the number of reported occurrences that police receive? Are they derived from the number of cases heard, or are they derived from the number of trials completed or convictions obtained?

These are statistics that are almost meaningless unless we have some basis upon which we can direct our attention and from which we can gather some kind of approach. We know that vandalism, for instance, is increasing. This is one of the most common frustrating and puzzling criminal activities, and little is known about it. Why does it happen, and more importantly, how do we stop it?

In Metro Toronto in the first six months of this year one-third of one borough's budget to maintain bus shelters was used to pay for damage caused by vandalism. Twenty-five per cent of another borough's roadside planted trees were broken or stripped, and continue to be so each year. Portable classrooms are burned; fire hydrants are turned on; bicycle tires or chains are thrown at Hydro transformer stations; and countless windows are broken in our schools and municipal buildings.

In Metro, wilful damage to municipal property which must be repaired or replaced by school boards and municipal councils—everything from picnic tables to parking meters—cost the taxpayers more than \$2 million a year. Sault Ste. Marie, for example, has a 33-member task force to investigate the problem of vandalism. I might say at this point that even in York Centre, at the southern part closest to the boundary of Metro, vandalism is on the increase and is rampant. These statistics that I quote to you incorporate that type of vandalism in that area as

well. But Sault Ste. Marie has established a subcommittee on damage to study the educational establishments and they report that replacement and repair costs about \$13,000 a year out of a \$1.5 million plant. In one three-month period, 111 acts of mindless destruction cost more than \$19,000 in Payne township. Police in the area maintain that statistics show only the tip of the iceberg, because much vandalism is never reported. Also, less than 10 per cent of those responsible will ever be arrested. One recent spree of vandalism in Sarnia, for instance, cost that city an estimated \$20,000 damage.

Schools are the usual focus of attention—breaking windows. For example, at Brennan High School in southwestern Ontario, nearly \$3,000 in glass was destroyed in the spring of this year. And the Windsor public school system put a price tag of about \$40,000 on the replacement of windows. In 1975, for example, \$160,000 was spent by both city school boards to repair damages caused by vandalism in that area.

So there is a line that sharply divides childish pranks and criminal activity. Unfortunately, it is not a line that is always visible to many people, who get their kicks perhaps from destroying property or find amusement in ransacking a school or damaging public property.

A second concern that I would like to direct the committee's attention to throughout these deliberations is a matter of concern to the justice system, which involves the police, the courts and the subsequent correctional institutions. All these have been under great pressure to keep up with the rising cost of crime and the rising rate of crime. We all know that our system is showing signs of strain. In the Ottawa area the court lists are long. In Toronto the court lists are long. Our penal institutions are overflowing, trying to keep up with what's happening. The police, we know, are continually complaining about the increasing difficulty in their jobs. The courts have indicated they are overloaded.

In addition to the control of crime, the reduction and the prevention of crime are avowed aims of the criminal justice system. It is questionable, however, that the system has many of the characteristics that lead logically to the achievement of these aims. We do not really know how effective the formal process is in deterring the public from committing crime; but it is clear that the stigma of arrest, the legalistic public procedure, isolation from the community and public labelling all diminish the chances for normal social integration. Moreover, the high recidivism indicates that the formal system

fails to control subsequent criminal activities, particularly of the identified offender. At worst, it is a primary factor conditioning subsequent criminal behaviour. These two problems, as I have outlined, indicate the shortcomings of the criminal justice system and the social phenomenon of crime. The criminal justice system, as I've indicated, is rigid, slow, expensive and inefficient. There can be no question, in my respectful opinion, that we must examine the system with a view to improving it. But in light of its failures we must also determine its limits.

When we step back to look at the criminal justice system, we find that it is essentially punitive in nature, yet paradoxically it is also supposed to turn the offender on to the paths of righteousness in order that he may lead a decent life when he returns to the community. But we must ask ourselves whether it is reasonable to expect this system to take care of all of our crime problems. It is my respectful opinion that we must consider our attitude towards crime and educate the public towards an attitude to crime, and that we must consider co-operation between the Ministries of Education and Justice in this regard.

As modern society, in my opinion, has become increasingly functionally divided, people have tended to leave to others the task which they do not consider integral to their work or family lives. Traditionally, crime has not been perceived by the public as an immediate problem, except in the occasional outcry concerning organized crime. The public has not taken an active interest in crime and legislators have typically reviewed it as a low-priority concern with a correspondingly low budget.

A great many factors have been postulated as causes of crime. At first, it was thought that crime must have particular causes in the same way as some diseases have. But this view was gradually eroded by the challenges of modern social science. It is now generally held that the causes of crime are many and interrelated and are wrapped up in the general turmoil of social action. To eradicate these causes, it is necessary to have broad-based action. It is time for us to face the fact that crime is a social problem, like health or education, and as such must be a community concern. In this respect, I point to the fact that there must be co-operation between the Ministries of Education and Justice.

The public is generally ill-informed about the nature of crime and believes many myths which impede the development of alternative ways to deal with it. To rectify this situation, in my respectful submission, we must not

only inform the public about crime and its prevention and methods of preventing it, but we must involve the public in crime detection and in crime prevention. It seems to me that it is incumbent upon this ministry which controls police forces to involve the police officer in more community projects that have him more highly visible in the communities which he serves, for instance, walking the beat, taking the long way home, and stopping in playgrounds and school yards during the holiday sessions from school. Have him attend the school dances in his uniform for a short, brief period. Give him directives to attend the local hangouts in the communities.

For instance, I remember this summer—my children are pretty small—one afternoon when I was returning home from the office, a police officer from York regional police had his motor vehicle stopped and his door open and he was out of his vehicle. He had five young children sitting on the curb—three of them were mine. He was talking to those children as if he was someone involved in the community. My children still have not stopped talking about Constable Anderson who stopped to talk to them on the curb. He had the time to stop his vehicle and get out of it and speak to those children.

It seems to me that a police officer must be seen in the community. We all know that there's a growing attitude among our youth which indicates itself and holds itself out as fighting authority, particularly the authority which the police officer and the police officer's uniform represent. We know the names which are commonly called and directed towards police officers are less than complimentary. It seems to me that it is incumbent upon this ministry to overcome that public attitude by greater public participation.

[5:45]

While I talk about public participation, let me direct your attention to an experimental program that was tried in England, and I believe it was tried in some areas in Ontario. In the event of a crime being committed, there was an experimental program produced whereby Scotland Yard would get on the airwaves indicating these were the unsolved crimes, indicating certain aspects of the crime, also asking for public support, also asking for public participation, asking for witnesses, giving some of the elements of the crime and asking the public to be involved in the apprehension.

This serves a dual purpose, in my respectful opinion. First off, it will help the police. There will be many leads, we know, that will have to be run down that would involve

police time, probably uselessly, but it has another factor and that is, when anyone is contemplating a crime, particularly a young person, prior to the commission of the crime the possibility of apprehension must go through his head. It's similar to the helpmate program that was in effect in Toronto here for some time but which you never hear of any more.

All you have to do is to go to any courtroom on Monday morning in any borough in this city and look at the list, and look across those who are attending in court and you will realize that most of those in attendance charged with crimes are under 20 years of age. That is the person we're concerned about. When that person contemplates committing a crime—whether it be a burglary, breaking into a house or a shop—if he is aware that, by virtue of public participation, his chances of being apprehended are that much greatly increased or enhanced, he will probably think twice about it. This is the type of public participation to which I refer.

Likewise, it seems to me that we must concern ourselves with informing those in charge of one of the bases of crime, and that is the study that was done in the United States two years ago dealing with children with learning disabilities. That study, done in three states, of those incarcerated in penal institutions came out with very shocking results. In those three states, it was found that over 90 per cent of those incarcerated suffered from one or more specific learning disabilities.

To wipe out the commonly-held myth that a learning disability is equivalent to or is a situation of mental retardation: that is not right. That is a myth that is commonly held. A learning disability is a real disability, but it is a result of a correlation between the mental processes and the physical or motor activity in the human body. It can be corrected through proper instruction and through proper and specific facilities. In view of the fact that a child with a learning disability is passed on through his grades on a social basis, he becomes frustrated.

I might say that a person in my riding by the name of Rosemary Underwood has done quite a bit of study in this area and has supplied me with much information. She is a person who is very closely attached to this problem and can be of great assistance. It is her finding, as a result of a paper that she prepared, that the same statistics apply to Ontario and there is no reason why they're any different. Three children in each class in Ontario suffer from a specific learning disability, some of them to greater degrees than others, and we are not doing sufficient to

assist these children. These children are passed on, as I indicated, on a social basis. They get into grades seven and eight; they cannot read, they cannot write, they cannot comprehend. They cannot give out what they have learned, although in most cases they are of average or above-average intelligence. They become frustrated. The statistics show that they begin to act out. They cannot keep up with their peers—they are unable—but they are just as intelligent as their peers and they become frustrated in their environment.

When you get a statistic of 90 per cent of those incarcerated in penal institutions suffering from a learning disability, I think it is incumbent upon this government, and more specifically this ministry, to look into that situation in Ontario and study its course. These children may be assisted. Crime may be prevented at an earlier stage. To me, that is one area that this government must concern itself with.

As well, there are other areas I would like to direct the minister's attention to. One is public relations on the part of the police. Throughout Ontario in each community, no matter how big or how small, we should have incorporated the idea of "the community cop"—the police officer who is involved with youth; the police officer who is seen on the beat; the police officer who attends functions that are youth-oriented. Since the increasing rejection of authority exists in youth, it seems that we must direct our attention and the attention of the police officer, whose uniform represents that authority, towards that area of our society.

It seems to me that we must also broaden the scope of police training by increasing the requirements of our police officers. We must incorporate into our police forces, accountants, perhaps lawyers—specific professions. All you have to do, as I indicated before, is attend any courthouse on a Monday morning and look at the youths who are charged. But what about white-collar crime, the fraud—the type of crime that is going undetected?

Unsophisticated crime is easy to detect. Breaking and entering, theft and shoplifting by unsophisticated youths are being detected; that is adding to our crime statistics. But it seems to me that we have to concentrate on upgrading the requirements for entering the police force. We must upgrade the type of person who is in there—I am referring to the professional type of individual—and the public should be made aware that these people are employed in our police forces. Perhaps they already are employed but the public is not aware of it. There should be greater com-

munication of this type of situation to the people of Ontario.

It seems to me that when we are training our police officers the training must go beyond any strong-arm tactics that may be in existence or at least which the public ordinarily regards the police as using in their crime apprehension and subsequent investigation. We need more sophisticated methods, and these methods must be communicated to the people and particularly to the youth. Perhaps it may be incumbent upon this particular ministry to get into our schools with the type of program that would educate our students with respect to how they jeopardize their future in the event of a conviction, how they limit their chances of progressing in the business world and in society, how they limit their ability to travel throughout the world and obtain working visas and how they limit themselves and jeopardize their entire lives. It seems to me it is incumbent upon this ministry, again in co-operation with the Ministry of Education, to embark upon that type of a program.

I recall—and I find them not unfounded—some of the complaints I have received about certain particular individuals in our police forces. There is always a bad apple in a barrel, and it is that bad apple that colours the rest of the force; we know that. I view with a jaundiced eye many of the reports I receive, but I must relate what I saw as I left the Canadian National Exhibition this year with my family. I was walking out of the Princes' Gates—it was relatively early in the afternoon—and three police officers in uniform had a car pulled over with the trunk lid up. Naturally it attracted attention because there were three police officers, a person who was obviously the driver of that vehicle standing outside, with his back against the vehicle and with the trunk lid up. I stood on the opposite corner watching out of curiosity to see what was happening because here are three police officers in wide vision, standing at the Canadian National Exhibition Princes' Gates, probably the busiest spot in the city of Toronto at that time and that day.

One police officer, who was a relatively tall police officer with a white helmet on was obviously conducting the interview. He kept getting closer to the individual, leaning against the car, and his big boots were on the toes of the individual that he was interviewing. The man kept drawing back his feet—he couldn't draw them back any further—and the police officer kept getting closer. I pointed it out to my wife. I said, "There is something that you would think

would not happen in full public view." I personally witnessed that.

That is the type of thing that in my mind is strong-arm measure and certainly is not a sophisticated way at all of conducting an interview. If the officer wanted to conduct the interview with this individual, he should have taken him into the police station, I would have suspected. But when strong-arm methods like that take place at the Princes' Gates of the Canadian National Exhibition it seems to me that the bad apple discolours the barrel. I am not in any way painting police officers, because to me there is no way I would want their job. I don't envy it, and most of the public does not. Most of the public rely on the police officer for its protection. But I think that in the training of police officers, it is incumbent that we expand the type of training that the individual man receives.

As well, the minister did make a reference in his opening statement to organized crime. I have more particular questions when we get to the votes in that regard. I also alluded to the overcharging of specific charges which may colour statistics. But the overcharging also, in my respectful submission, clogs the courts. It is something which maybe we should reconsider and perhaps as we get to specific items we can delve into that more deeply.

It seems to me that in my preparation for these estimates, and from the police officers I have spoken to, particularly in the York region, it would seem—and it filters down from the top perhaps—that the morale leaves something to be desired. Perhaps it is because it is a young force. Perhaps it is because it is going through growing pains. I am not sure. From the police officers I speak to—and it doesn't seem to matter what rank they hold or the limited years of experience they have—the morale could be heightened. It is incumbent upon this ministry to delve into those matters and, it seems to me, to be more aware of the individual police officer's complaints.

The individual police officer is the man or the woman who is dealing with the public. He or she represents the law, whether it be at a speeding trap or an investigation of a complaint. Insofar as that person represents the law, that person must be satisfied in his or her job. If he or she isn't, then it is time that this ministry began to listen more closely to the complaints of the police officers with respect to their working conditions and with respect to the attitudes that prevail above them in the hierarchy of the police force.

Mr. Chairman, I notice that it is 6 o'clock and I have a few more remarks that perhaps could go until after supper.

The House recessed at 6 p.m.

ERRATUM

No.	Page	Column	Line	Should read
20	778	1	51	Hon. W. Z. Estey (Administrator of the

APPENDIX A

ALPHABETICAL LIST OF MEMBERS OF THE
LEGISLATURE OF ONTARIO

(125 members)

First Session of the 31st Parliament

Speaker: Hon. John E. Stokes

Clerk of the House: Roderick Lewis, QC

Member	Constituency	Party
Ashe, G	Durham West	PC
Auld, Hon. J. A. C.	Leeds	PC
Baetz, R. C.	Ottawa West	PC
Belanger, J. A.	Prescott and Russell	PC
Bennett, Hon. C.	Ottawa South	PC
Bernier, Hon. L.	Kenora	PC
Birch, Hon. M.	Scarborough East	PC
Blundy, P.	Sarnia	L
Bolan, M.	Nipissing	L
Bounsall, E. J.	Windsor-Sandwich	NDP
Bradley, J.	St. Catharines	L
Breaugh, M.	Oshawa	NDP
Breithaupt, J. R.	Kitchener	L
Brunelle, Hon. R.	Cochrane North	PC
Bryden, M.	Beaches-Woodbine	NDP
Campbell, M.	St. George	L
Cassidy, M.	Ottawa Centre	NDP
Charlton, B.	Hamilton Mountain	NDP
Conway, S.	Renfrew North	L
Cooke, D.	Windsor Riverside	NDP
Cunningham, E.	Wentworth North	L
Cureatz, S.	Durham East	PC
Davidson, M.	Cambridge	NDP
Davis, Hon. W. G.	Brampton	PC
Davison, M.	Hamilton Centre	NDP
Deans, I.	Wentworth	NDP
di Santo, O.	Downsview	NDP
Drea, Hon. F.	Scarborough Centre	PC
Dukszta, J.	Parkdale	NDP
Eakins, J.	Victoria-Haliburton	L
Eaton, R. G.	Middlesex	PC
Edighoffer, H.	Perth	L
Elgie, R.	York East	PC
Epp, H.	Waterloo North	L
Foulds, J. F.	Port Arthur	NDP
Gaunt, M.	Huron-Bruce	L
Germa, M. C.	Sudbury	NDP
Gigantes, E.	Carleton East	NDP
Grande, A.	Oakwood	NDP
Gregory, M. E. C.	Mississauga East	PC
Grossman, Hon. L.	St. Andrew-St. Patrick	PC
Haggerty, R.	Erie	L
Hall, R.	Lincoln	L
Handleman, S. B.	Carleton	PC

Member	Constituency	Party
Havrot, E.	Timiskaming	PC
Henderson, Hon. L. C.	Lambton	PC
Hennessy, M.	Fort William	PC
Hodgson, W.	York North	PC
Johnson, J.	Wellington-Dufferin-Peel	PC
Jones, T.	Mississauga North	PC
Kennedy, R. D.	Mississauga South	PC
Kerr, Hon. G. A.	Burlington South	PC
Kerrio, V.	Niagara Falls	L
Lane, J.	Algoma-Manitoulin	PC
Laughren, F.	Nickel Belt	NDP
Lawlor, P. D.	Lakeshore	NDP
Leluk, N.G.	York West	PC
Lewis, S.	Scarborough West	NDP
Lupusella, A.	Dovercourt	NDP
MacBeth, Hon. J. P.	Humber	PC
MacDonald, D. C.	York South	NDP
Mackenzie, R.	Hamilton East	NDP
Maeck, L.	Parry Sound	PC
Makarchuk, M.	Brantford	NDP
Mancini, R.	Essex South	L
Martel, E. W.	Sudbury East	NDP
McCaffrey, B.	Armourdale	PC
McCague, Hon. G.	Dufferin-Simcoe	PC
McClellan, R.	Bellwoods	NDP
McEwen, J. E.	Frontenac-Addington	L
McGuigan, J.	Kent-Elgin	L
McKeough, Hon. W. D.	Chatham-Kent	PC
McKessock, R.	Grey	L
McMurtry, Hon. R.	Eglinton	PC
McNeil, R. K.	Elgin	PC
Miller, Hon. F. S.	Muskoka	PC
Miller, G. I.	Waldimand-Norfolk	L
Newman, B.	Windsor-Walkerville	L
Newman, Hon. W.	Durham-York	PC
Nixon, R. F.	Brant-Oxford-Norfolk	L
Norton, Hon. K.	Kingston and the Islands	PC
O'Neil, H.	Quinte	L
Parrott, Hon. H. C.	Oxford	PC
Peterson, D.	London Centre	L
Philip, E.	Etobicoke	NDP
Pope, A.	Cochrane South	PC
Reed, J.	Halton-Burlington	L
Reid, T. P.	Rainy River	L. LAB.
Renwick, J. A.	Riverdale	NDP
Rhodes, Hon. J. R.	Sault Ste. Marie	PC
Riddell, J.	Huron-Middlesex	L
Rollins, C. T.	Hastings-Peterborough	PC
Rotenberg, D.	Wilson Heights	PC
Rowe, R. D.	Northumberland	PC
Roy, A. J.	Ottawa East	L
Ruston, R. F.	Essex North	NDP
Samis, G.	Cornwall	L

Member	Constituency	Party
Sargent, E.	Grey-Bruce	L
Scrivener, Hon. M.	St. David	PC
Smith, G. E.	Simcoe East	PC
Smith, S.	Hamilton West	L
Snow, Hon. W.	Oakville	PC
Stephenson, Hon. B.	York Mills	PC
Sterling, N. W.	Carleton-Grenville	PC
Stokes, Hon. J. E.	Lake Nipigon	NDP
Stong, A.	York Centre	L
Swart, M.	Welland-Thorold	NDP
Sweeney, J.	Kitchener-Wilmot	L
Taylor, G.	Simcoe Centre	PC
Taylor, Hon. J. A.	Prince Edward-Lennox	PC
Timbrell, Hon. D. R.	Don Mills	PC
Turner, N.	Peterborough	PC
Van Horne, R.	London North	L
Villeneuve, O. F.	Stormont-Dundas-Glengary	PC
Walker, G.	London South	PC
Warner, D.	Scarborough-Ellesmere	NDP
Welch, Hon. R.	Brock	PC
Wells, Hon. T. L.	Scarborough North	PC
Wildman, B.	Algoma	NDP
Williams, J.	Oriole	PC
Wiseman, D. J.	Lanark	PC
Worton, H.	Wellington South	L
Yakabuski, P. J.	Renfrew South	PC
Young, F.	Yorkview	NDP
Ziemba, E.	High Park-Swansea	NDP

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Hon. R. Welch	Minister of Culture and Recreation; Deputy Premier
Hon. J. A. C. Auld	Chairman, Management Board of Cabinet
Hon. R. Brunelle	Provincial Secretary for Resources Development
Hon. T. L. Wells	Minister of Education
Hon. G. A. Kerr	Minister of the Environment
Hon. L. Bernier	Minister of Northern Affairs
Hon. J. W. Snow	Minister of Transportation and Communications
Hon. M. Birch	Provincial Secretary for Social Development
Hon. C. Bennett	Minister of Industry and Tourism
Hon. W. D. McKeough	Treasurer, Minister of Economics and Intergovernmental Affairs
Hon. W. Newman	Minister of Agriculture and Food
Hon. F. S. Miller	Minister of Natural Resources
Hon. J. R. Rhodes	Minister of Housing
Hon. D. R. Timbrell	Minister of Health
Hon. J. P. MacBeth	Provincial Secretary for Justice and Solicitor General
Hon. M. Scrivener	Minister of Revenue
Hon. H. C. Parrott	Minister of Colleges and Universities
Hon. J. A. Taylor	Minister of Energy
Hon. B. Stephenson	Minister of Labour
Hon. R. McMurtry	Attorney General
Hon. L. C. Henderson	Minister without Portfolio and Chairman of Cabinet
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Hon. G. McCague	Minister of Government Services

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Mr. R. G. Eaton	Assistant to the Minister of Consumer and Commercial Relations
Mr. M. E. C. Gregory	Assistant to the Minister of Culture and Recreation
Mr. W. Hodgson	Assistant to the Minister of Housing
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Mr. G. E. Smith	Assistant to the Minister of Industry and Tourism
Mr. D. J. Wiseman	Assistant to the Minister of Health
Mr. P. J. Yakabuski	Assistant to the Minister of Natural Resources

APPENDIX B

(See page 803.)

Answers to questions were tabled as follows:

16. Mr. Ziemba—Inquiry of the ministry: Will the Minister of Revenue indicate how many first time homebuyers grants have been reviewed; when the review of all the grants will be completed (as recommended by the public accounts committee); how many investigators are assigned to this review; and how much money has been recovered to date?

Answer by the Minister of Revenue (Mrs. Scrivener):

As at September 30, 1977 a total of 31,300 grant applications have been reviewed. Thirty-three (33) staff are currently assigned to this review. It is not possible to indicate the date on which the review program will be completed. As at September 30, 1977, \$1,612,000 had been collected, or secured.

17. Mr. Cassidy—Inquiry of the ministry: What research activities are being undertaken by the Youth Secretariat to assist in the planning and development of provincial employment programs for young people? What are the major findings to date of this research? How much is this research costing, and to whom are its findings directed? Will the ministry table the research reports on: (a) analysis of applicants to the Ontario Experience program; (b) the telephone survey of young people conducted by the Youth Secre-

tariat; (c) the mailed questionnaire to a random sample of employers; (d) qualitative field interviews, all undertaken as part of the research activities concerned with provincial employment programs for young people? Will the ministry explain why Ontario conducts no research attempting to forecast job opportunities for young people over the coming years. [Tabled July 7, 1977.]

Answer by the Provincial Secretary for Social Development was tabled as a sessional return.

19. Mr. Cassidy—Inquiry of the ministry: For each month from January, 1974 to the present, what was the total amount spent by the provincial government and its agencies to purchase advertising time or space and for each month how much was spent for advertising in: (a) daily newspapers. (b) weekly newspapers; (c) other periodicals; (d) radio; (e) television?

Answer by the Minister of Industry and Tourism (Mr. Bennett):

The advertising totals in the following summary are obtained from two sources: prior to April 1, 1975 all figures are those submitted by each ministry, and from April 1, 1975 to date all media expenditures are those reported by the agency-of-record through the Ministry of Industry and Tourism communications division. (Reported in thousands of dollars)

TOTAL YEARLY SPENDING BY MEDIA

Month	Daily	Weekly	Other	Radio	TV	Total
Jan./74	83.3	12.5	10.5	39.0	—	145.3
Feb.	60.5	45.2	7.2	66.3	27.5	206.7
Mar.	306.1	221.7	58.7	140.0	113.6	840.1
Apr.	76.3	17.2	2.4	1.8	77.6	175.3
May	146.6	18.7	42.5	11.1	29.2	248.1
June	217.6	69.8	41.2	81.2	55.3	465.1
July	74.5	37.5	2.9	10.6	11.2	136.7
Aug.	112.0	42.4	3.1	6.3	11.2	175.0
Sept.	229.6	62.7	28.0	54.3	124.4	499.0
Oct.	93.6	13.9	32.4	8.4	47.7	196.0
Nov.	74.1	9.0	7.1	2.7	127.5	220.4
Dec.	93.0	17.0	37.8	13.9	71.1	232.8
	1,567.2	567.6	273.8	435.6	696.3	3,540.5

TOTAL YEARLY SPENDING BY MEDIA

Month	Daily	Weekly	Other	Radio	TV	Total
Jan./75	106.7	56.7	60.3	42.3	94.7	360.7
Feb.	90.7	16.8	31.7	47.7	73.4	260.3
Mar.	192.2	118.0	72.9	216.1	35.7	634.9
Apr.	144.2	111.2	67.8	212.7	19.4	555.3
May	297.6	162.6	119.1	380.5	79.5	1,039.3
June	204.3	134.8	107.7	289.5	37.5	773.8
July	210.5	107.2	142.7	227.6	—	688.0
Aug.	152.9	47.7	77.6	120.7	41.1	440.0
Sept.	254.9	141.9	189.0	208.5	98.9	893.2
Oct.	90.7	60.4	84.5	75.7	145.1	456.4
Nov.	85.9	94.5	128.2	44.8	97.6	451.0
Dec.	112.6	71.0	63.6	116.8	35.3	399.3
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	1,943.2	1,122.8	1,145.1	1,982.9	758.2	6,952.2

TOTAL YEARLY SPENDING BY MEDIA

Month	Daily	Weekly	Other	Radio	TV	Total
Jan./76	155.7	142.7	101.0	214.2	120.2	733.8
Feb.	136.9	179.5	74.2	154.5	161.9	707.0
Mar.	115.1	130.7	98.4	86.8	95.7	526.7
Apr.	112.4	21.8	35.2	19.3	104.3	293.0
May	168.4	116.7	98.1	233.9	69.2	686.3
June	204.8	141.4	101.5	205.2	64.4	717.3
July	170.1	36.8	74.6	196.4	91.5	569.4
Aug.	102.5	47.3	59.8	316.4	41.7	567.7
Sept.	203.8	93.4	63.6	313.5	150.6	824.9
Oct.	158.1	131.5	84.8	200.6	205.9	780.9
Nov.	139.3	119.9	104.6	144.0	86.7	594.5
Dec.	55.4	43.7	85.8	466.7	128.1	779.7
	-----	-----	-----	-----	-----	-----
	1,722.5	1,205.4	981.6	2,551.5	1,320.2	7,781.2

TOTAL YEARLY SPENDING BY MEDIA

Month	Daily	Weekly	Other	Radio	TV	Total
Jan./77	187.9	44.0	63.6	479.3	181.2	956.0
Feb.	171.0	95.6	155.9	426.8	279.3	1,128.6
Mar.	188.3	132.8	152.1	363.3	164.7	1,001.2
Apr.	138.0	75.4	82.8	176.5	155.5	628.2
May	540.3	166.2	156.8	354.8	205.1	1,423.2
June	283.7	90.1	121.8	240.0	74.8	810.4
July	153.4	50.2	182.7	411.0	218.2	1,015.5
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Total	1,662.6	654.3	915.7	2,451.7	1,278.8	6,963.1

(7 months)

NOTES

1. All major categories of government advertising placed in the domestic media are included in the above totals. However, personnel advertising placed through the Civil Service Commission is not.
2. International advertising, in the United States and overseas, accounts for the following yearly additions to domestic totals: 1974, \$1,623.9; 1975, \$1,473.7; 1976, \$2,001.2; 1977 (7 months), \$1,710.1.
3. Domestic volume increases reported in 1975, 1976 and 1977 are attributable in large part to the introduction of the two government lottery promotions, "Wintario" in 1975 and "The Provincial" in 1976. For each lottery, annually, estimated advertising expenditures total between \$1.5 million and \$1.7 million, paid for entirely

out of the revenues generated by the lotteries.

22. Mr. Bradley—Inquiry of the ministry: Will the Minister of Transportation and Communications undertake to provide the statistics on the revenue derived from the Garden City Skyway and the Burlington Skyway in the last full year of their operation?

Answer by the Minister of Transportation and Communications (Mr. Snow):

REVENUE
LAST FULL YEAR OF OPERATION
JANUARY TO DECEMBER 1973
INCLUSIVE

Burlington Skyway	Garden City Skyway	Total
\$2,722,217.00	\$1,558,411.00	\$4,280,628.00

CONTENTS

Monday, October 17, 1977

Election of Speaker, statements by Mr. Davis, Mr. S. Smith, Mr. Lewis, Mr. Stokes	783
Royal visit, statement by Mr. Davis	784
Legislative program, statement by Mr. Davis	785
Ontario finances, statement by Mr. McKeough	787
Licence plate reciprocity, statement by Mr. Snow	788
Family law reform, statement by Mr. McMurtry	788
Job creation, questions of Mr. Davis: Mr. S. Smith, Mr. Lewis, Mr. Peterson, Mr. Cassidy	789
Bruce nuclear plant, questions of Mr. Davis: Mr. S. Smith, Mr. Lewis, Mr. Deans	790
Nuclear waste, questions of Mr. Kerr: Mr. Lewis, Mr. Conway, Mr. MacDonald	792
Workmen's compensation, questions of B. Stephenson: Mr. Lewis, Mr. Lupusella	793
Ryerson dispute, questions of Mr. Parrott: Mr. Sweeney, Mr. Bounsall, Mr. Roy	793
Otis Elevators, question of Mr. McKeough: Mr. Deans	795
Nanticoke plant, question of Mr. J. A. Taylor: Mr. Reed	795
Minimum wage, questions of B. Stephenson: Mr. Cassidy, Mr. Samis	795
OHTB bus licence, questions of Mr. Snow: Mr. Sargent	796
Burning PCBs, questions of Mr. Kerr: Mr. Bounsall, Mr. B. Newman, Mr. Cooke	796
Robarts Commission, question of Mr. McKeough: Mr. McCaffrey	798
Riverview hospital, questions of Mr. Timbrell: Mr. B. Newman, Mr. Cooke, Mr. S. Smith, Mr. Bounsall	798
Reed Paper, questions of Mr. Kerr: Ms. Bryden, Mr. Foulds	800
Bean crop, question of Mr. W. Newman: Mr. Riddell	800
Report, resources development committee, Mr. Mancini	801
Report, Ministry of Community and Social Services, Mr. Norton	801
Appointment of deputy chairman, motion by Mr. Welch, agreed to	801
House sittings, motion by Mr. Welch, agreed to	801
Committee substitutions, motion by Mr. Welch, agreed to	801
Family Law Reform Act, Mr. McMurtry, first reading	802
Children's Law Reform Act, Mr. McMurtry, first reading	802
Succession Law Reform Act, Mr. McMurtry, first reading	802
Marriage Act, Mr. McMurtry, first reading	802
Surrogate Courts Amendment Act, Mr. McMurtry, first reading	802
Private Road Access Act, Mr. Maeck, first reading	802

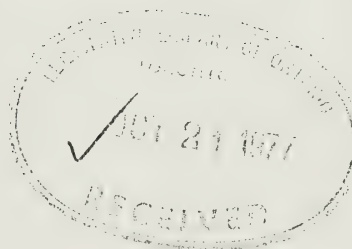
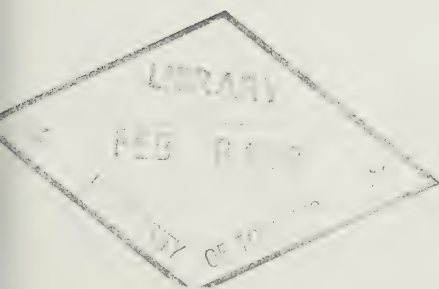
Small Business Act, Mr. Eakins, first reading	802
Education Amendment Act, Mr. Stong, first reading	802
Labour Relations Amendment Act, Mr. Stong, first reading	802
Labour Relations Amendment Act, Mr. Cassidy, first reading	802
Labour Relations Amendment Act, Mr. Breagh, first reading	802
Tabling answers to written questions 16, 17, 19, and 22, Mr. Welch	803
Estimates, Ministry of the Solicitor General, Mr. MacBeth	803
Recess	812
Erratum	812
Appendix A, list of Members	813
Appendix B, answers to written questions	817



No. 22

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, October 17, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

MONDAY, OCTOBER 17, 1977

The House resumed at 8 p.m.

ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL (continued)

Mr. Chairman: Order. Before the dinner hour we were discussing the estimates of the Ministry of the Solicitor General, and the member for York Centre had the floor.

Mr. Stong: Thank you, Mr. Chairman. Just before the dinner adjournment, I believe I had ended up by recommending what, in my opinion, is a necessary creation in the ministry—the creation of a vehicle whereby the policeman on the beat, the ordinary uniformed policeman who carries with him the authority of the province of Ontario when he presents himself in public, would have a forum whereby he would be understood, would have a better relationship—a better rapport—with the powers that be, particularly the hierarchy, because from my interviews and my association with the police departments a feeling of low morale presented itself.

I must say that I've only spoken to members of the York Regional Police, because the police force is wholly within my riding. In preparation for these estimates I did spend time with that police force and with the men, and it would seem that the discontent or the low morale filters down from the top. In my respectful submission to the Solicitor General, the minister responsible for this portfolio, I would suggest that that type of vehicle be created whereby the men would have this rapport which they feel is necessary.

There are two other aspects of this portfolio to which the minister directed his attention, and our attention, in his opening remarks. One of them is the Centre of Forensic Sciences. I must say that centre has played a major role in preparing cases for our court systems at all three levels in the province in Ontario, and it has done a magnificent job. If there is any criticism I would level at it, it is simply that there ought to be greater communication between the office of the Solicitor General and the office of the Attorney General in respect to this particular service.

I had occasion recently to employ the services of the forensic sciences centre in prepar-

ing a defence for a charge of dangerous driving. The defence was based simply on a blow-out that had occurred in a tire prior to impact; that was the gravamen of the defence. I asked the forensic sciences centre to study the tire and to determine whether in fact the tire had blown out prior to or upon impact.

I must say that the personnel with whom I dealt at the forensic sciences centre were completely co-operative, except they insisted that any information they provided for me be provided to the Crown and to the police, where the reverse is not true. It happened that I was representing a client on Legal Aid, paid for by the government of Ontario, under the jurisdiction of the Attorney General.

It would seem to me that, in preparing for a defence, this service should be opened up to defence on a more equal basis and not be subject to the requirement which restricts it for a defence counsel or an accused who cannot afford to avail himself of all of the facilities that a Crown attorney can. Actually this centre does a fantastic job; it is relied upon, particularly by those who otherwise cannot afford to avail themselves of those services.

That is the only criticism I can level. Albeit it is a weak criticism, nevertheless it is the type of criticism that would seem to undermine the principle that the government espouses and that this House holds to; that is, that a person is innocent until proven guilty. In the preparation of his defence, in my respectful submission to the minister, an accused ought to be afforded the right not to have to disclose his defence, particularly when the Crown does not have to disclose all of its material. It was the only stipulation placed on this case. But then again I believe the reason I was able to avail myself of the forensic sciences centre was because my client was on Legal Aid; if it had been otherwise, I might have been in a position of having had to pay for those services. I think that's an area that ought to be reviewed and perhaps can be streamlined.

The other area that the minister spoke about in his opening remarks is the area of the Fire Marshal. In preparation for these estimates, I had occasion to speak to a constituent of mine who has his own company which services fire extinguishers. He apprised

me of a situation regarding the type of fire extinguisher that is in the home, the portable fire extinguisher that is also found in industry.

In particular, we were talking about a situation that developed at the Buttonville airport. He had occasion to service the fire extinguishers in that airport and found that the portable fire extinguishers that were to be used in the event of emergency were incapacitated by virtue of the fact that the chemical inside had solidified to such an extent that they could not and would not be able to be used. They were useless. But they carried with them a certificate that they had been inspected and refilled not six months before. Under tests of pressure, a crack developed. This meant the fire extinguisher could easily have blown up in the hands of a user.

He recommended to me, and he demonstrated for me what he had found: that if the fire extinguishers sold by the industry in some of our outlets—although they are a good product at the time of the original sale—are not serviced sufficiently and properly, they are not useful at all. It turned out that the fire extinguisher in question had been serviced by a freelance or off-duty fireman—he was an enterprising individual and no one faults him for that—who, without the requirement of licence, without the guidance of any regulation whatsoever, was able to service this fire extinguisher without really subjecting it to proper pressure tests, and without investigating the content of that fire extinguisher to ascertain its usefulness and safety. The constituent who raised this matter has recommended changes and we are working together on a private member's bill that I propose to introduce.

The minister was kind enough, in his opening remarks, to suggest that the critics from the opposition parties get together with him with respect to legislation that he is proposing. Perhaps, I can do the same with the minister—meet with him on this particular bill.

Hon. Mr. MacBeth: Sounds fair enough.

Mr. Stong: I am proposing that we regulate the sale and servicing of fire extinguishers, and this provides for even those fire extinguishers that are used in the homes, not only those that are relegated to industry. It is an area that people are unaware of, but it is one of those things where, in the event of an emergency, a person might pick up the type of apparatus and have it blow up in his face or not work at all when it's required.

It seems that is an area which requires regulation and, perhaps, licensing to control

it because of the nature of the beast.

Those are basically my opening remarks. I'd just reiterate by saying that throughout these estimates I hope to be able to interweave in these 20 hours what I would like to see eventually transpire. Because of the restraints and the constraints on our budget, we shall direct our attention to the fact that the area of Justice policy—including the Ministry of the Attorney General but more particularly the Justice secretariat—the Ministry of Correctional Services, and the Ministry of the Solicitor General, should, in the name of restraint, be confined to and relegated to one particular ministry.

I hope to be able to demonstrate by going through these estimates and through job description and classification that it would be not only economical but advisable, perhaps, that these three areas be amalgamated under one ministry.

Mr. Chairman, those are my comments and remarks.

Mr. Lupusella: Mr. Chairman, I think the member for York Centre raised a few valid points and I'm going to emphasize some of those principles through the course of my presentation. But before doing that, if I may, I would like to bring to the attention of the minister—whether or not he realizes—that two copies of the briefing material for the estimates of the ministry were sent to me on October 7, 1977, and I received it in my office a few days later.

[8:15]

The point I would like to make is that it would have been appreciated if this brief of material had been received within a reasonable length of time, so that we could review the ministry's activities in a thoughtful manner in order to avoid unnecessary pressure and the risk of a superficial analysis. I hope that in the future we will be given the benefit of more time to review this material.

Mr. Chairman, I will now commence my opening statement. First of all, allow me to extend to you my congratulations on your appointment and I hope that you are going to keep the Liberal members in control, especially now that they are representing the official opposition in the province of Ontario.

Before getting into the core of my presentation, I would also like to raise a few observations in relation to the role of the Solicitor General in the Legislature in terms of policy directions which are taking place in the ministry.

I would like to point out to the Solicitor General that in the future I personally would like to see this ministry become more visible.

By that I mean we would like to hear from the ministry not only when a particular incident of wide public attention occurs or when a bill pertaining to the ministry is introduced in the House, but on a more regular basis to know the direction of all policies, programs and so on.

Just to give you an example, when I was putting my remarks together, I went into my files to look for ministerial statements from this ministry and I could not find any. I had to call the ministry and request the news releases that had been issued to get an indication of what the Solicitor General's activities were. In other words, I would like to hear from this ministry on a more regular basis so as to be aware of its activities. In this way, we would not have to wait for the estimates to become informed.

Mr. Lawlor: Keep a low profile, John. You don't get into trouble that way.

Mr. Conway: Has the party come to that?

Mr. Lawlor: Almost an invisible man.

Mr. Lupusella: In supply committee of June 9, 1976, the Solicitor General in his statement said that many of the ministry's activities were the result of the task force on policing in Ontario which completed its work early in 1974. "Of the 170 recommendations made by the task force, 80 have been implemented completely. Sixty-four recommendations were in the process of implementation." I would like to hear from the minister if the 64 recommendations were fully implemented by providing to this committee of the Legislature some background information emphasizing the various stages of the implementation.

I also would like to hear the minister make some comments in relation to the project which began in 1974 with the hope of encouraging municipal forces to make use of modern communications technology. I am sure the minister has some comments to make as to whether the municipal forces have been fairly receptive of the program and whether or not the program will continue on a permanent basis.

I would like to know what the total cost of the project is and how many municipalities have been responding and co-operating with his undertaking. As the minister knows, the province of Ontario pays 75 per cent of the cost for small municipal forces and 50 per cent of the cost for larger ones. I am particularly interested in the small municipalities in northern Ontario and I hope the Solicitor General will explain to me the effectiveness of this program as it pertains to the northern municipal regions.

I would now like to ask the minister about the extension of the Canadian Police Infor-

mation Centre as a national data bank for police officers. I would like the minister to tell us how the centre is working out and what the cost of operating is.

As my colleague, the member for Oshawa (Mr. Braugh) stated on June 9, 1976, in his official opening statement in his capacity at that time as critic for the Ministry of the Solicitor General, I share his view and the feelings he expressed as a critic during the estimates. We are compelled to be judges of the activities and actions undertaken by the police force in the province of Ontario. I hope my constructive criticism will be taken into consideration and some action will derive from it. As an elected representative, it is also my duty to express the feelings of people who have been too often adversely affected by police actions. Therefore, we have to realize that inadequacies and loopholes exist within the system, and there is always room for improvement.

Past history, and especially the Roman people in their own language, clearly states that *errare humanum est*, it is human to err. Therefore, we shouldn't be surprised if the police force is often wrong when it is dealing with the public when it is trying to enforce the law. I was always attracted by the police motto, "To serve and protect," whenever I saw it on a police car. I always thought the motto could be improved by replacing these words and integrating the words, "To educate, to serve," and maybe you would not need to protect. The police force in the province of Ontario has been seen by the public as agents who penalize people when they are found either guilty or in the process of catching people. I don't think the public will be convinced otherwise, unless the minister makes some changes, a new policy orientation in the police force, in order that policemen will undertake also the role of educating the public, particularly when minor offences are committed.

A change of attitude is very important to achieve this important goal in order that individuals or the public as a whole won't be frightened by the presence of the police force and they won't consider them enemies but as friends. If I am not mistaken, this is the principle which has been implemented and very well received by the public in the United Kingdom. I have been told that Canadian people, going to Britain as tourists, get this impression. However, this is not the image which presently exists in Ontario. I hope the Solicitor General will find the ways, methods and the programs to be initiated in order that the police force will change its

image and attitude when it is confronting the public.

If the Solicitor General is interested in undertaking this responsibility, a widespread educational program should take place in the schools. People should be aware from the time they are students about the existing laws in the province of Ontario in order that they will know the detrimental effects that derive from breaking the law. In my opinion, and I don't want to make any guesses, a lot of people are contravening the law by minor offences just because in many cases they are not aware that they are breaking the law. I will give you an example of what I mean by that. Throwing a cigarette butt out of your car window costs \$28. There are a number of obscure violations of the law, such as the example given, when the charges could be avoided if the public were made aware that they were in fact breaking the law.

Therefore, this goes back to my earlier point about education. How many people are aware of this law? Not many, I would think. Neglect of the law could be avoided in some instances through education. Aside from the fact that the Criminal Code should be revised for minor offences, more emphasis should be given to the issue of education related to penalties and the judicial system which presently exists in this province. In that way and by accomplishing this task, the word "protection" becomes meaningless, because the public will be more aware and more responsible in understanding the importance of the law as a moral device to keeping our society. With this statement I don't want to sound either parochial or too blind to the reality of the problems which at present exist within our society in the area of law enforcement. I realize it's a big task for the Solicitor General. But it's my strong belief that something should be done in the direction which I have outlined. If we want to cure the problems in our system, we should take a look at the origin of the problem by analysing the catalyst factors that originate in the problem at its roots, and that's the principle which the Progressive Conservative government should bear in mind. As I stated before, nobody's perfect.

Mr. Nixon: I never heard the NDP admit that before.

Mr. Lupusella: Sometimes new directions and new policies should be experimented with and implemented with some guidelines to attempt to control the current problems and in the long run eliminate the problem at its roots.

My colleague, the member for Oshawa, in his opening statement on June 9, 1976, expressed particular concern in an area which I completely and emphatically support, and again it also reflects the kind of attitude given to the police officers, either through their training courses or by direction of the Solicitor General. The matter relates to police chases.

Even though I didn't have an opportunity to visit the centres in which police cadets receive their training, when these estimates are over I intend to travel around these centres and to each police station, particularly Metro. I hope the minister will assist me when I am going to undertake a visit in the various branches which fall under his jurisdiction. From what I read from materials received from the Solicitor General, it seems to me the training courses given to the cadets are too short. I hope psychology and sociology are part of the training curriculum. I am inviting the minister to comment on this.

Since my colleague raised the issue of police chases on the highways and the metropolitan streets, more headlines have appeared in daily newspapers indicating people are getting killed as a result of police action. Maybe the Solicitor General has some statistics in relation to the number of deaths which have resulted from police chases. During the summer months I read a number of articles of this nature, and I am sure the minister will agree with me that something must be done. I am sure the police officers are receiving directions from their peers in this area. But in any event the situation must be corrected with some reasonable and sensible thinking before the phenomenon gets out of proportion.

Mr. Gregory: Do you want the cops to stand still?

Mr. Hodgson: Just let them go, don't bother.

Mr. Lupusella: Again, one has to wonder whether this is a sane and human procedure to follow, considering the total cost which is involved in such an act.

Mr. Hodgson: Just let them go.

Mr. Lupusella: You will have an opportunity to talk. If you are not agreeing with my comments, I think that's why you are sitting on the other side of the House.

Mr. Hodgson: Nobody else is listening to you anyway.

Mr. Lewis: Quite the contrary.

Mr. Lupusella: Again, one has to wonder whether this is a sane and human procedure to follow, considering the total cost which is

involved in such an act and the very tragic consequences which can result from it.

My colleague, the member for Oshawa, last year mentioned the kind of training technique which the officers receive at the college at Aylmer. From his experience and from what he heard at the college, it seems that the program is poorly formed and the officers spent only three or four days out of a two-week period on traffic control. I don't know if the minister paid too much attention to his comments and whether or not some improvements have been made in this regard.

I would appreciate it if the minister throughout the course of the estimates would make some comments in relation to this particular issue. I hope that somehow a comprehensive program will be initiated at the college at Aylmer in order that the officers won't be forced into these critical situations, and instead can use their own judgement and expertise to get the best results without any further damage.

[8:30]

It is again a matter of new programs and policies to prevent these actions from happening. Another situation which concerns me is when police officers have to draw their firearms. The newspapers are full of articles reporting cases in which people are victims of wounds either fatal or non-fatal. The rationale used by the police officers in these delicate situations should be thoroughly explained by the Solicitor General, considering that most of the time, at least from the articles I read, when a policeman discharges his gun the victims are often shot in vital parts of the body such as the chest or abdomen. I am sure that in most instances these wounds result in death.

My question is, why shoot at the chest or abdomen and not at the arms or legs alone? I realise how delicate and critical these situations involving policemen can be. But it is common sense to realize that the prime scope of police officers in such a situation is first to disarm the person, and when circumstances make shooting inevitable, vital parts of the body must be avoided.

Mr. Gregory: Better tell the crooks that too.

Mr. Lupusella: Another tragic phenomenon which is gradually increasing in Metro Toronto to the extent that it is becoming—

Mr. Hodgson: Better go out and tell them in Collingwood too. Go to Collingwood and tell them that.

Mr. Eaton: That's right. Bring back the rope.

Mr. Lupusella: You have any particular comment?

Mr. Bounsall: That will answer the whole thing.

Mr. Davison: Bring in the guillotine.

Mr. Chairman: Order, please.

Mr. Lupusella: I am not saying that. Maybe you missed the principle of my statement.

Mr. Hodgson: Just about sounds like it.

Mr. Lupusella: No, you really missed the fundamental principle of my statement.

Another tragic phenomenon which is gradually increasing in Metro Toronto to the extent that it is becoming intolerable relates to racial attacks at the subway stations and in some cases even on the street. It is an unfortunate situation which in practice is a slap in the face to the human and social values of our society. It is also an indication that something is wrong within our system. I am wondering if the Solicitor General has undertaken any particular studies as to whether there are underground organizations that direct these violent racial attacks and how the police are dealing with them.

Written statements on walls such as "white power" are slurs against immigrants from Pakistan. This occurs especially in locations where new buildings are built, and has been going on for a long time in Metro Toronto. It is a situation that greatly bothers me and a lot of other people, and I hope the minister will comment as to what the police are doing in this area.

I have a short comment also on the issue of organized crime. I have never heard the minister make any statement as to whether organized crime is under control by the police in the province. Or should the public believe Solicitor General Francis Fox, telling top policemen in Toronto that they haven't been doing an adequate job in fighting organized crime?

What is the true side of the story? To what extent is organized crime under control? It is a dilemma to me and to many people because of the lack of statistical data and background information. Perhaps the Solicitor General knows more about it. He can also state once and for all who is right, instead of leaving comments and judgements to chief constables of the police forces.

I hope the Solicitor General is also aware that since May 1977 three people died in Metro police cells. A coroner's inquest has been held for each case. In each case many good recommendations have been made, but nobody knows whether or not changes are taking place.

To give an example, it was suggested in one of the cases that: "(1) the appropriate authorities continue to develop improvements to the typical arrangement of cells and detention areas aimed at the prevention of attempted suicides—for example, by research into the practicality of using plate glass panels on the inside of the cell block; (2) that electronic surveillance equipment be installed. It should have a sufficient range to monitor the entire cell". Without reading the whole recommendation, it goes on to say that all police stations should have on the premises oxygen and portable suction equipment.

My concern is whether or not some of the coroner's jury recommendations have been implemented, or do we have to wait until more victims are going to die in police cells before something will be done? Again, is there any rationale used by the police officers when a person is arrested, especially in cases of drug abuse, to treat the individual as a sick person by considering the psychological aspects of it, instead of the individual being seen merely as someone who broke the law and who therefore has to pay the price for it?

In other words, are breaking the law and the judicial process more important for the police than the human value of the person, or should the last point not be considered and integrated with the first one for the sake of balanced justice?

By the way, in our judicial process it is the court of law which has the last word to find the person guilty, and not the police. Therefore, the human aspect, for the police force, should be the first approach in the enforcement of the law, and especially in cases where arrests are required. In any event, it is, again, a question of attitudes which must change.

As for the enrolment of people in the police force, I don't understand why short people can't be good police officers. It is a point which was raised last year by my colleague, the member for Oshawa. On the whole, I think what counts is the capacity for being a good police officer with good character. The height and the weight requirements may have been a good idea in the past when brute strength was a strong asset, but nowadays, with our high degree of technological sophistication and the new methods of self defence involving skills and diligence, height and weight should not be the basic requirements. To keep things as they are is to make second-class citizens out of those with less than average weight and height.

In regard to the relationship of the police force and the community, I am happy, in some ways, to see that in the last few years

the realization has finally come that police officers can be effective if, and only if, they are members of the community and not apart from it.

The police officer is more often than not perceived as a kind of tax collector in the sense that most citizens come into contact with him only in regard to traffic violation fines. The institution of community officers, if done on a large enough scale and with the proper number of ethnic representatives, especially in the larger cities, is a very educational one, for the police officer as well as for the community.

The crime prevention program has to begin in the community through the education programs and through the re-establishment of the police officer as a trusted and a respected member of the community.

I want to bring to the attention of the minister the grave problem that exists whenever citizens have a complaint as to police behaviour and procedure. It seems that the Solicitor General is going to introduce a private member's bill in relation to that. At the moment, allegations against the police are investigated by the police. This procedure is not perceived by the public as being fair. If we are to keep faith with the old maxim that justice must not only be done but be seen to be done, then we can easily question the validity of the present method. Furthermore, any such complaint-system must be properly advertised and explained if the public is to make use of it.

On this note, I will curtail my comments to give some of my colleagues an opportunity to speak. I hope to have some useful feedback to my questions on various subjects. It is my sincere hope that these estimates will be very fruitful and productive, and will result in good constructive criticism which will lead to changes in our system, changes that will ultimately benefit all of our society.

Mr. Deputy Chairman: Before calling on the next speaker, I would like to thank my colleagues for choosing me to this office. I am fairly new to this House; I hope you will bear with me while I learn the rules. I will do my best to keep the House in order and to keep the proceedings of this committee running smoothly.

Hon. Mr. MacBeth: Mr. Chairman, I said a few words of congratulations to you earlier in the day. Having been associated with you some years ago on Metro council, I know it will not take you very long to know all the ropes here. I don't know whether you'll be able to handle things as well as the member for Lake Nipigon (Mr. Stokes) and the deputy,

but certainly in time you'll be their equal, I'm sure.

Mr. Nixon: That is when you were a Liberal, John.

Hon. Mr. MacBeth: Yes, but he hasn't changed, Bob.

I appreciate the comments that have been made by the two opposition critics and will take a few minutes to reply. I will not reply to all of the points that they raised at this time, partly because I think they might be best dealt with under the various votes, but also because I didn't succeed in making notes on all of the points that they raised.

I appreciated the suggestions by the member for York Centre in regard to the possibility of joining the ministries of the Solicitor General and Correctional Services. I think there is quite a difference in connection with the responsibilities that both of those ministries have. As you know, the Attorney General used to look after those matters that are at present handled by the Solicitor General. It was decided that because of the conflict of interest which people are so conscious of these days, they should separate the apprehension from the prosecution end of it, and I think there are certain benefits in so doing.

Mr. Nixon: From your point of view, we can understand that.

Hon. Mr. MacBeth: But the correctional end of it has been separate for a good number of years; I guess, right back to the establishment of this province in 1867. I don't think it would worry the police too much. But I think, in the interest of the morale of those involved in Correctional Services, they are happier under their own ministry. I know that the Correctional Services have recently been reduced, and they no longer have the young people to look after. But perhaps that's a question that you can put to the new Minister of Correctional Services (Mr. Drea).

I do think if we're concerned with this business of conflict of interest—and sometimes I think we're overly concerned with it—that it is wise to have the police—the apprehension of it—separated from the custodial end of it. However, those are questions that you can ask the Premier (Mr. Davis) and I'll be glad to hear further views on it. But I would have great hesitation in combining the Solicitor General and Correctional Services because of the morale problem at the Correctional Services end of it, and also because of the conflict of interest between the apprehension and the custodial.

Again, the need for the Justice secretariat; you dealt with that for some time. There is a staff in the secretariat; it is relatively small.

You can deal with that when you come to the secretariat's estimates. I'm not sure of the exact number but I think there are only about 12 people on the staff of the secretariat. So you're not duplicating very many services. It's true you have two deputy ministers.

Mr. Nixon: Cost—\$200,000.

Hon. Mr. MacBeth: But that is not all for salaries. You say \$200,000. A lot of that goes for a variety of other work and you must realize—I have some trouble convincing you of this—the secretariat does accomplish a few things every once and awhile.

Mr. Roy: Yes, come on.

Hon. Mr. MacBeth: It is easy enough for you to say, "Come on."

[8:45]

Mr. Roy: Don't get into that or we'll keep you here all night.

Hon. Mr. MacBeth: You can keep me here all night. I expect to be here for a little while anyway.

Again, we're probably dealing with something that should best be discussed under the secretariat heading but the critic of the hon. member's own party raised the point—and I'm giving an answer to it—that the secretariat does do a great deal of policy co-ordination among all four ministries in the Justice policy field. We do meet most Thursday mornings. We review the policies. We discuss the various pieces of legislation that might be introduced.

We've certainly had a lot to do recently in trying to get something going in regard to the Correctional Services program of community service. I think that's good; that's one of the matters that has been dealt with extensively over the last few months by the policy field.

The policy field does do something and the only duplication in this policy field, as I see it at the present time, is the matter of the deputy minister.

I'll have a little more information on statistics. The hon. member wanted to know how statistics are arrived at. At the present time the deputy ministers all across the country are concerned with the statistics for the whole justice field. One of the items that the policy secretariat is looking at is trying to get a combined set of statistics that can be used not only by the police but by the courts and by the custodial people. It doesn't affect the Ministry of Consumer and Commercial Relations as much, but certainly in the other three ministries there would be great value in having common statistics. The federal people are very much interested in it too for their statistics across the country. I would

agree there is some confusion in regard to it, but that is one of the matters we have under study and one that perhaps we can deal with in greater detail later on.

The hon. member mentioned vandalism, as did the New Democratic Party critic, and asked how we are going to deal with it. Some of these things I think I can put down to the permissive society. I know that vandalism is a great problem. I would like to see more done about it in the schools. I agree that the police have a part in education; they are serving a part in education, particularly in safety education. This kind of education belongs in the schools, yes, but I think a lot more of it belongs at home; I think that's one of the things we're forgetting now.

If there is no respect for public property or other people's property at the home level, I'm not so sure that the police, by the time it becomes a police matter, can do very much about it. That is not to say I'm not in favour of them doing all they can, but sometimes I think we expect too much of our police. We expect them to be not only educators and community counsellors as well as the arm of the law. As the arm of the law they must have some strength and some force and not always present a popular picture to people. So when you ask them to do a lot of education, I think maybe it's a little late.

I am concerned about vandalism; it is a serious problem right across the province. But I say some of the fault is with the family, with the attitudes of society generally today. I agree that more could be done by our educational system.

Going over one or two matters here—I skipped one or two; the hon. members can raise them later during the estimates—I admit that the criminal justice system has some shortcomings but let's look at those later on.

An informed public must also be involved in crime detection. That is one place where we think we are making a little progress. The Liberal critic mentioned what Scotland Yard was doing in Britain in regard to trying to solicit public support for information and that type of thing. We have been running here on Global TV a program called "Code 10-78," in which the OPP have been co-operating with Global in showing certain crimes. They have been re-enacting certain crimes—

Mr. Lawlor: How many were solved?

Hon. Mr. MacBeth: That's right, and that's one of the things I was going on to say. So far, it has not met with very much success, but it's trying to do the thing that the member for York Centre suggested we should be doing, trying to enlist the support of the

public, and I believe that's good. Occasionally, municipalities such as Toronto and the various ones in the Metropolitan area, have been sending out through the mail with various water bills and things of that nature requests to support the police and, surprisingly enough, all of the citizens don't appreciate getting those notices with their bills. Some people resent the fact we are suggesting that one citizen should report on another, so there are degrees to which you can carry that.

As for these re-enactments of crimes, we have had one or two objections—not many mind you—from distant relatives. Before we put these on, we get clearances from the closest relatives but maybe somebody just beyond that relationship, not the closest, feels we shouldn't have re-enacted that crime on TV. There are problems, and I agree with what you are saying. We should do more to try to enlist public support of the police.

I mention those two ways in which it is being done, not without some objections along the line. As for "10-78, Officer Needs Assistance," I don't think we have come any closer to solving those crimes that we re-enacted.

Mr. Lawlor: Charlie Chan in the dining room.

Hon. Mr. MacBeth: No, I don't think so. I don't think of Charlie Chan. It's putting the police in the proper perspective that the member for York Centre was asking us to do.

Mr. Conway: Did you check with Judy LaMarsh before you showed it?

Hon. Mr. MacBeth: No, we didn't need to check with Judy on that one. I think the acts of violence are pretty well toned down in them.

With regard to the community cop, I agree 100 per cent with what you are suggesting. Again it is a matter of the number of personnel. People say they should have the latest equipment and, of course, the latest equipment involves automobiles, radios and all the rest of it. To my mind, the old policeman on the beat who knew the children when they were going to school and used to chat to them had a great deal of impact in instilling in young people that the policeman was their friend, that the policeman would help them and was somebody to turn to in difficulty.

I remember when the crossing guards used to be policemen. Then you got to know the policemen. It boils down again to the point of can one have somebody being paid \$18,000 a year doing crossing guard work? I wish we could. Where it is possible, I certainly think it's advisable to do so. I would like to see

more policemen out of the cars and just walking up and down the street, trying to keep up with modern methods. I tell you we run into difficulties when we try to do that.

Mr. Lawlor: If you like all these things and are Solicitor General, why don't they ever come to pass? You are a most agreeable guy. That's your problem.

Hon. Mr. MacBeth: I don't know. The member for Lakeshore says why don't we do all these things? I suppose the reason we don't do all of these things is a combination of matters.

Mr. Wildman: The Treasurer (Mr. McKeough).

Hon. Mr. MacBeth: Yes, there's no question that finances is one of our big problems we are facing today.

Mr. Lawlor: It is not fair. You undercut the opposition every time. You agree with everything.

Hon. Mr. MacBeth: The police have a few ideas on how things should be done too and the police have a fair amount of autonomy when they are carrying out their various functions. Sometimes you feel I should not have any say on what goes on in the various municipal forces across the province and that they should be running their own show. The next time you think why don't I give them directions or tell them just how to do these things—

Mr. Lawlor: You should have a lot more to say.

Hon. Mr. MacBeth: Maybe I should, but that's not what I think all of the people in the Metropolitan Toronto area particularly believe. They feel the province should not have quite as much to say, that they are paying the shot for it, and they are paying a good percentage of it. So when you say why don't we dictate to them—

Mr. Lawlor: The problem is you don't want it because you don't want the responsibility.

Hon. Mr. MacBeth: I am happy to take the responsibility but I tell you in our kind of government, a democracy—and the member for Lakeshore should know this—orders just don't come down from the top to do it that way and that's the way it's done. You try to achieve these things by a spirit of co-operation and by a spirit of chatting these things over, and that's what we are trying to do.

Mr. Lawlor: You have either got some control over the police or you haven't, and the fact is you haven't.

Hon. Mr. MacBeth: Coming to police training, we are trying to recruit people into the force other than people—

Mr. Makarchuk: Like new chairmen of police commissions.

Hon. Mr. MacBeth: —with very basic education. We want to get, as you suggested, accountants—and we do have some accountants in. Again it is a matter of cost, trying to keep up the salaries with what an accountant, a lawyer, or somebody else can make out in the field. But we have taken a number of police on, and from there, recommended them to go on to some university course or a technical course of some sort, and they've come back to us. In the field of organized crime, they are doing quite a good job.

Overcharging in the laying of charges; that's something that perhaps gets back into the statistics again that you were talking about. But that is something I think you might raise with the Attorney General, because what charges are laid are often, if they are serious charges at all, consulted with the Crown attorneys as you know. That's a policy that you may, when you come to the Attorney General's estimates, want to discuss with him.

Mr. Lawlor: Oh, come on. You're not sloughing that one off, too.

Mr. Deputy Chairman: Order, order.

Hon. Mr. MacBeth: No, police do lay a lot of charges, there is no question about it. But often—

Mr. Samis: You're provoking him.

Hon. Mr. MacBeth: —what charges are or are not laid are often discussed, as you very well know, with the Crown attorney.

Mr. Lawlor: Not always.

Hon. Mr. MacBeth: Not always. You're right, not always.

Now police morale. You suggested police morale may be a little low. I think, again, we are talking about the permissive society and the society that is always a "me" society and complaining about conditions. Just as if you were to go into any office, there are people who complain about the conditions and the fact that they are overworked and that their bosses are not very receptive to new ideas, etcetera, etcetera—

Mr. Conway: I hear the Metro boys like their new boss.

Hon. Mr. MacBeth: Well, I think their new boss is going to do just very well—

Mr. Makarchuk: You managed to recruit him okay.

Mr. Conway: Do you want to tell us about that recruitment?

Hon. Mr. MacBeth: —but I don't think that's any worse today than it has ever been. When I talk to policemen, I suppose it all depends who you are talking to—and whom they are talking to maybe more particularly—and how you put the question and what answer they may think you want to get from them. But I think police morale, generally speaking, across the province is in pretty fair shape. I am not saying it can't be improved, and we will work with you and others to try to prove just that.

Forensic sciences available to the accused. You are quite right, and in our statistics here we will give you the number of cases they helped the accused with. I am glad to know that you made use of that service.

Should reports go to the Crown? Traditionally, I understand that they have not. You have suggested that if they don't go to the Crown, perhaps the accused's reports should not go to the Crown—those investigations done on behalf of the accused. Our policy is, as you know, when we agreed to do it, that we would disclose to the Crown the report that the accused has obtained. I would rather see it work that way.

Again, you might discuss this with the Attorney General (Mr. McMurtry). Rather than say that the accused's reports won't go to the Crown, I would rather discuss with him—and I don't know why it is not done—that the Crown reports go to the accused's defence as well. It seems to me that we are looking for the truth here, and the information should flow both ways rather than suppress information on either side. Perhaps you could discuss that with him. I understand they do go if they are requested. That is, if you request the Crown's report through the Crown attorney very often you can obtain it. But that is something again I suggest you discuss with the AG. But rather than limit one side, I would think the proper approach might be free exchange to both sides.

I am interested in what you say about the fire extinguishers in regard to the Fire Marshal: a good product at the time of sale, not useful if improperly serviced. Again, we can get into regulations re servicing, and I will discuss this with the Fire Marshal and maybe we should be. I didn't realize that was happening, and I don't know to what extent it is happening. But, again, it is a case of building up a lot more regulations, which I suppose will add to the cost, not only to the customer but also to the inspection force we might have to have.

If it is extensive, then I think that probably we should get into it. If it is a matter of one or two cases, maybe you have to take that

risk, in view of the cost involved. On the other hand, we have got to weigh the cost involved against what we achieve. But if there are extensive risks created by lack of proper servicing and regulations for it, we will certainly look at it and get a report.
[9:00]

I might turn, for just a moment, to the member for Dovercourt. He did raise the question, and accused the ministry, of late arrival of material. My information was it was hand delivered on October 7 to your caucus office; so that why you didn't get it till October 10 I don't know, but I suggest maybe that is an internal matter for you to follow up rather than ourselves.

Along the same lines, why I'm suggesting it might be an internal matter with you, I think your suggestion was that you could not find any releases. I didn't know whether you said any or many, but if the word was any, then I would suggest the fault might be in your office; because although we haven't put out many, we have certainly put out some. So if you couldn't find any releases, then I suggest your filing system is perhaps not what it should be.

Mr. Lupusella: Point of order, Mr. Chairman. I think the point which I made—

Mr. Chairman: Order, please.

Mr. Lupusella: Point of information, Mr. Chairman, if I may.

Mr. Chairman: Order, please. I wish you would remain in your seat until the minister has finished his remarks and then you can question him further.

Mr. Lawlor: Point of personal privilege; the member was insulted.

Mr. Lupusella: It's a correction of what the Solicitor General just stated.

Mr. Chairman: Order, please. Is it a point of order?

Mr. Lupusella: Point of clarification.

Mr. Chairman: Order; order, please. A point of clarification? I think you could make that at a later date in your further comments. Mr. Minister.

Hon. Mr. MacBeth: To turn now to the task force on policing, Mr. Chairman. Just because the task force on policing made many recommendations, I don't think the ministry has indicated at any time that we were going to carry out all of those recommendations. I think the task force on policing has probably had a greater percentage of recommendations accepted than most governmental reports; that is except the new one coming in on traffic safety from the member for Yorkview

(Mr. Young), I hope that a good number of his will be adopted.

But as far as recommendations for policing are concerned, I think we've come just about to the end of those recommendations that we intend to implement. However, there are some. In regard to taking over small police forces, we would like to do more of that. We have one or two requests before us at the present time. That is a matter of financing, and as you know we have some restraints, and I support those restraints but they have some limiting effects as far as our being able to carry out all of the things we would like to do.

There are one or two small forces in the province that have presently requested consideration that we should take them over. However, there are a few other small forces—when I say take them over, that the OPP should take over their policing—there are also some small forces across this province who are quite happy with both the cost and the kind of service they are getting and they have no wish to have us take them over and we have no plan at the present time for forcing that kind of take-over.

You mentioned some of the various costs of municipalities, the percentages that were paid to them. I'm not sure exactly what you meant by that. I mentioned in my original chat that we have a grant per population, depending on whether you are a regional municipality or a smaller, unregionalized municipality, so much per head for those grants. They are unconditional grants and they go to that municipality. You mentioned percentage costs, so that's something we'll have to enlarge upon when we come to the police grants; or at least later on in policing, actually the police grants are handled by the Treasurer (Mr. McKeough) but we can discuss that later on, under the policing terms.

You asked about the Canadian Police Information Centre, known as CPIC, who shares that cost. The Ontario Police Commission has \$600,000, you'll see in the budget, for that. As I understand it, we pay—that is, the Ontario Police Commission pays—for all the CPIC terminals in Ontario, and of course they pay the federal people who run that system.

I dealt with the matter of education as part of the police role. I would like to see the police do more education, but again I suggest that that belongs at earlier levels before they get into trouble with the police, except perhaps in the field of safety where we are doing much. Certainly it is a motherhood matter, and the more we do it the better.

The hon. member suggests it should be "educate and serve," and that we wouldn't

need "protect" in there. I am afraid I don't take quite as simplistic a view of society as he does. I think his thought is that if everything was perfect we wouldn't need any police, and if the government was doing its job everything would be perfect. I am not so sure that Utopia is about to come. I think society is going to need police forces for some time to come and, regardless of what education goes on, the police are here to stay for a few years. I think we had better leave their "serve and protect" and leave the main part of education to some other agency of the community.

Mr. Makarchuk: Then there are those people who think just the opposite.

Hon. Mr. MacBeth: They are entitled to their thoughts in that regard, and I give them credit for being visionaries and people of high ideals. But there are some of us who are perhaps a little more practical.

Mr. Makarchuk: Is the minister saying that the police are . . . social reformers?

Mr. Chairman: Order, please.

Mr. Lupusella: He is rejecting the program in the schools to educate the children—

Mr. Chairman: Order.

Hon. Mr. MacBeth: I am not objecting to education. I am just questioning how far it becomes a police role. Too many people now expect the police to be all things to all people. They have a function in education, but I think society is not going to come to the point where we won't need that word "protect" in there.

Minor offences: I suppose what is a minor offence is in the eye of the beholder. The hon. member suggested that perhaps the police and the courts were dealing too harshly with minor offenders or that there might be other ways of dealing with them. But there are various kinds of what the hon. member might call minor offences, which the person on the other side regards as quite serious. I am thinking of a delegation that the Attorney General and I saw some months ago in regard to the theft of farm produce in the market gardening areas of the Niagara Peninsula and southwestern Ontario, specifically in the apple orchards. I know that it used to be regarded as a bit of a prank to steal a few apples or something of that nature. But when you have communities encroaching upon farm land as much as they do in the Niagara Peninsula and certain other parts of this province—

Mr. Wildman: Who is to blame for that?

Mr. Nixon: Because of bad planning.

Hon. Mr. MacBeth: That may or may not be bad planning, but that is not the point I am dealing with. The point I am dealing with is the reality of the situation. Very often you have very heavily populated areas right next to orchards or vegetable farms, and no longer do those people who produce those farm products regard the theft of a few apples or vegetables of one sort or another as a minor theft. It is a real economic loss to them, and one for which they have a great deal of concern.

Mr. Warner: You push the farmer to poverty.

Hon. Mr. MacBeth: I don't know how we deal with theft of farm produce. We could suggest that maybe the courts should be taking a stronger view in regard to it rather than just dismissing them with a warning.

Vandalism is another matter that might be regarded by some as a minor offence. But in my eyes, and certainly in the eyes of the member for York Centre, vandalism is a serious matter. Petty trespass, depending on what the purpose of the petty trespass is, I guess can be regarded as serious or minor. The hon. member objected to somebody throwing a cigarette butt out of the window. But in the eyes of an environmentalist that might be a pretty serious offence.

Mr. Lupusella: That is just an example. That is why the minister has rejected the idea of educating people in the schools; maybe they wouldn't commit those offences.

Mr. Chairman: Order.

Hon. Mr. MacBeth: I haven't rejected the idea of education in the schools. But if people don't know better than to throw cigarette or cigar butts or anything else out the window—

Mr. Lupusella: It is just an example.

Hon. Mr. MacBeth: —by the time they are old enough to smoke them, I suggest it is not a matter for the police to try to educate them; the education was lacking either in the schools or in their own homes somewhere.

Mr. Lupusella: Programs should be integrated between—

Mr. Chairman: Order, please. The member for Dovercourt had his chance to speak.

Mr. Makarchuk: We will let Willie take care of that.

An hon. member: It's Bill's fault. Bill takes care of the apples.

Interjections.

Mr. Chairman: Order.

Hon. Mr. MacBeth: In regard to the possibility of visiting the various establishments—

An hon. member: There are a lot over there.

Interjections.

Mr. Chairman: Order, please.

Hon. Mr. MacBeth: We would have a lot more to sell if it wasn't for all of the petty trespass and theft that is going on. We'd have a lot more vegetables to sell over there.

Mr. Warner: Your offenders should be punished by having to read Claude Bennett's speeches.

Interjections.

Mr. Chairman: Order.

Hon. Mr. MacBeth: It would be nice if we lived in a society where we didn't have to punish anybody but, as I say, I think that is a little way away.

Interjections.

Hon. Mr. MacBeth: However, I would be happy to facilitate your visit to any of our establishments, whether it is the police college at Aylmer, whether it is any of our OPP detachments, the fire college up at Gravenhurst—

Mr. Makarchuk: Morty used to go there by himself.

Hon. Mr. MacBeth: —and I would be glad to arrange that. As I said in my opening remarks, maybe we could do that. I am sure you will find them most interesting, not that any of them can't be improved. We've got things we would like to do at Gravenhurst. We are trying to update the facilities at Aylmer. As you know, we have a nice new building there—

Mr. Warner: When are you closing the Don jail?

Hon. Mr. MacBeth: —with many facilities. I shouldn't say so much the facilities, but more the amount of time that the students or the various police people can stay both at Aylmer and at the fire college in Gravenhurst. We'd like to increase that but, again, it's a case of money. And all of these things can be done if you have enough money to do them.

Longer courses at police college—yes, I would be in favour of that. But, as I just said, there are some limitations.

Police chases, I don't know. We went into police chases when I first became Solicitor General. We had a rash of police chases. Thank goodness we haven't had quite so many in the last few months. We are giving them courses, insofar as you can give courses to the police in that sort of thing.

The member for Dovercourt suggested that we train the men to use their own judgement,

and that is exactly the position that I have taken all the way along. You can give them all the help and instruction and practical training in police chases but right down at the end it has to be a matter of personal judgement on the scene. And that is exactly what we are training them to be best equipped in—to use their own on-the-spot judgement. It is easy for us to sit back in this chamber and be critical of them after the fact but we are doing our best to train them so that they will be able to exercise the best judgement possible in the case of a police chase or, additionally—as you said—in the matter of firearms, which amounts to much the same situation.

You suggested that they should not shoot for a vital part. At the same time, when somebody is standing in front of you with a gun and you order them to drop it, very often you have little choice. Regretfully, I point to the situation at Collingwood last week where, certainly, the policeman had very little chance to decide what he should do under the circumstances when he didn't even have his gun drawn or expect that sort of a reaction.

Radical or racial attacks—the good member for Riverdale (Mr. Renwick) spent a lot of time on that matter in our estimates last year. Again, I don't know what you can do about it. I don't think it's the role of the police to educate the public. They do their best in that regard.

It is so easy for all of us to try to make the police the scapegoat of society. If things go wrong, whether it's a racial attack or there's somebody pulling a firearm or disobeying the speed limit, it's so easy to blame the police for it. And if there is trouble with the morale, maybe it's because so many people in society take that attitude with the police—that it is the policeman's fault, that it is not society's fault.

Surely, somewhere in the home, somewhere in our schools, somewhere in our churches, somewhere in our public press media there is a place for trying to overcome this matter of racial slurs and racial attacks. The Human Rights Commission is doing its best to deal with it. The police are working with the various factions. The member for York South (Mr. MacDonald) has had some experience with me on that. I met with him regarding an incident on Weston Road some time ago, and the member for High Park-Swansea (Mr. Ziemba) was involved, too. They were working with the police. Regretfully, the police are in when the action is started; they are in when it is too late to change human attitudes. But they are doing their best and will con-

tinue to do that, but I don't like to see the police blamed for the fact that racial attacks go on.

Mr. Lupusella: I don't see from your statement how the principle of the prevention of crime makes sense.

Hon. Mr. MacBeth: We can get into it a little later on in more detail.

Mr. Lupusella: If the policemen are supposed to get there—

Mr. Chairman: Order, please.

Mr. Lupusella: — when the action is imminent, where is crime prevention?
[9:15]

Hon. Mr. MacBeth: You're suggesting that if we had proper policing, as you might suggest, there wouldn't be any crime. Again, that is a pie-in-the-sky hope but I would like to think that that society is just around the corner.

Mr. Lawlor: That is not what he said at all.

Mr. Lupusella: That is disintegrating the two principles.

Hon. Mr. MacBeth: It didn't happen in Manitoba, it hasn't happened in Saskatchewan and I don't think it's about to happen in Ontario, that we're not going to have any crime in this province.

Mr. Lawlor: You simplify everything.

Mr. Warner: Take the wax out of your ears.

Hon. Mr. MacBeth: That brings me to the matter of organized crime.

Mr. Lupusella: You are putting words in my mouth.

Hon. Mr. MacBeth: I suppose as Solicitor General that no crime is under control if it exists, and that's the position that I want to take. You say, "Is organized crime under control?" My attitude is that if crime exists it's not under control. But I'm realistic enough, and I think you should be too, to realize that we're going to have various types of crimes with us. When you get the kind of society we have here in Metropolitan Toronto and in the other intensely populated areas of this province and where there's easy money to be made and people who are gullible enough to go for it, then we're going to have organized crime, whether it's prostitution, whether it's loan sharking or whether it's through pornography.

Mr. Warner: Send them copies of Hansard.

Hon. Mr. MacBeth: The police are doing their best to control it, but again don't blame the police that these things exist. Look around at the society in which we live and each of

us as individuals. Many precautions against suicide are taken in our various jails and they are not without difficulties in carrying them out. There are all sorts of things removed from those jails which make the prisoners' life a little less tolerable because we have removed them. In other words, you take all glass out of the jail and anything they might hang their clothes on that has any rigidity to it. You take all that out so that they can't use it to hang themselves by.

As a result, all of these things in police cells or otherwise make life a little less tolerable for the prisoner. We're trying to take precaution against suicide. Then you say, "Why don't you have them under electronic surveillance?" It's not everybody who wants to be under electronic surveillance. They regard that as an infringement on their right to privacy even while they're in jail. We have some problems when we have women in our jails and maybe have only men there to look after them. So they can't be under electronic surveillance all the time.

Mr. Lupusella: Select the best recommendations.

Hon. Mr. MacBeth: There are some problems in regard to these things. If you've got any suggestions how we can overcome some of the problems in regard to suicides in our various lockups, we will certainly look at them.

As for height and weight requirements, I don't think the fact that they are requirements for the job makes anybody a second-class citizen. Every job has its rights and privileges attached to it and every job has responsibilities and its restrictions attached to it. Simply because you don't qualify for every job that is available, that doesn't mean that you've become a second-class citizen. I don't think we can open up our police forces across the province, whether we're talking about municipal which set their own, or the OPP over which we have some guidance, and say that we will have no height or physical restrictions. I don't think the citizens of this province want that kind of a police force.

I admit we have far more highly trained people in our forces today and are striving for greater achievements in that regard. At the same time, when you get into a beer room brawl, it's very handy to have the policeman on your side with a little weight and a little force behind him. We don't want to have to resort to guns and other kinds of weapons. Whether it's a billy or what it is, it's nice to have a big policeman when you're in trouble.

We are making alterations. We're making alterations to permit more women into the

force and to permit new nationalities who traditionally are not as tall as other nationalities. We're making provision for them on the police forces. But I'm not going to suggest that people who don't meet those requirements are second class in any way or that we are going to remove any kind of physical restrictions at all.

Finally with regard to the complaint procedure, I hope to introduce again into the House a bill to amend the Police Act which will deal with complaint procedure. It is a relatively long bill and I know it will have some discussion in the House and probably go to the committee stage where I hope the public and the police, because there are many people that are interested in it, will be brought into the discussions.

I don't know when that can be done, knowing the amount of business that the standing committee on justice has to deal with, but I hope to present the bill. That is one of the matters I will be wanting to speak to the two critics about, to see how quickly we can move that bill. If we can't move all of it, maybe we can move certain sections of it.

Thank you very much, Mr. Chairman.

Mr. Chairman: That completes the opening remarks. We will now discuss the estimates vote by vote and item by item.

On vote 1601, ministry administration program; item 1, main office:

Mr. Stong: I am indebted to the minister for the comprehensive explanation that he gave me. As a matter of fact, if on or about the bottom of page five an amount of money appeared I would say that if that were a lawyer's or an architect's or an engineer's bill it would be a padded bill. It's very wordy and although it is helpful somewhat, it doesn't explain everything. Perhaps I could get some assistance on some of these items.

For instance, we're dealing with vote 1601, item 1, the main office. The first item that appears is salaries and wages. Perhaps the minister could give me some assistance with respect to the number of personnel that are involved in the main office. Does the increase from 1976-77 to 1977-78 reflect an increase of salaries or has the inflationary aspect of this matter taken over, with a corresponding decrease of personnel? Or how is that figure arrived at?

I'm also concerned with the item marked services. There's \$154,000 allocated for that. I would like to have some assistance with respect to exactly what that \$154,000 is directed to.

Those are the main items under item 1 that I'm concerned with.

Hon. Mr. MacBeth: In regard to the personnel, there was an increase of one person, accounting for \$27,500. It was a transfer of somebody who had been at EMO and who has been looking after our gun control regulations at the present time, or working with the federal government in regard to the matter of gun control.

The other item—you'll find an increase in many places throughout the budget when it comes to salary, and let me read this little note: "Additionally, the 1976-77 estimates reflect a shortfall in most activities caused by a budgeting error during the preparation of those estimates. This shortfall was corrected during 1976-77 by Management Board order. Therefore, the 1977-78 estimates for salary and employee benefits reflect not only the base for 1976-77 and the budget shortfall, but the actual requirements based on the pay lists and complement."

What happened there was that when our budget for last year was before the Management Board, there was a matter of some \$3 million that was taken off twice because of a shift back and forth. As a result of that, all of our budget came out in the various parts of the estimate that much short. So in each of the salary figures, you will find that the actual is considerably over last year's estimate. You'll find that explanation applies all the way through the estimates of the ministry.

You asked about the \$154,000. I can give you those matters if you want. There's an item there for 1977-1978 estimates for catering, \$500; repair and maintenance, \$1,500; advertising, \$79,000; production of films, \$40,000; law enforcement and safety announcements, \$8,000; ministry brochures, \$1,000 and public relations, \$24,000. I believe that they will add up to \$154,000.

Mr. Stong: What is the number of employees that are in the main office collecting salaries and wages? Would you explain more fully the role played by this new member with respect to the gun control legislation?

Hon. Mr. MacBeth: There were 16 and there are now 17. That's the complement of the minister's office, the deputy minister's office and what we call the secretariat. There are three in the minister's office, three in the deputy minister's office and 11 in the secretariat which includes the office management people.

Mr. Timmerman is the man who came to us from the old Emergency Measures Organization. During the past year he has been working with Ottawa. When I say working with Ottawa, it is not that they have been

consulting him so much but that he has been keeping his ear to the ground and keeping in touch with the progress of Bill C-51 through the federal House. He is now working with them in regard to the establishment of regulations which are in the process of formation.

We have recently announced our provincial gun control officer, who is the person who formerly was doing it for the OPP. We have combined that in the one person. They are both now working with Ottawa trying to establish regulations, making sure that the implementation of those regulations will be financed as Ottawa has agreed to do. That is the work that he is doing.

Mr. Stong: I don't mean to begrudge a man his job but did you not have sufficient expertise within the OPP itself to be able to have that function filled by one of your own personnel? I understand that that's a \$27,500 salary, did you say?

Hon. Mr. MacBeth: Perhaps we could have done some of that work by the OPP. There's no question of that. You may not recall, and probably won't, that at the time the Emergency Measures Organization was disbanded certain commitments were given that these people would be retained on staff and jobs would be found for them and that they wouldn't be let go. This man I mentioned is reaching retirement age shortly and it just fitted in nicely that he could move from EMO and work out these regulations. About the time those regulations are completed, his retirement will come up.

It might have been that somebody in the OPP could have done some of that work and had the basic knowledge of it, but certainly this man who moved over from EMO and whose job was guaranteed has filled the position very well. Maybe it was at a little more money than he might otherwise have been paid, but that was a commitment that was given.

Mr. Stong: Does that same individual do any work for the Ministry of Correctional Services or the Attorney General? If so, is part of his salary paid from those ministries?

Hon. Mr. MacBeth: Not that I know of. He works solely in our office.

Mr. Stong: I also have some questions with respect to the other item down in this same vote.

Mr. Chairman: We will continue with item 1. That's the item I called for.

Mr. Lawlor: I have just a single question arising out of that and I am going to put it under main office, I believe. We have just finished debating it. It had to do with the

status of the report on policing. That report did leave an awful lot of items hanging. I simply would like to know from the minister about the status as I wouldn't know where else it would be placed. It is true that of the 64 matters, some of them obviate themselves. This update that you were good enough to give us at an earlier time was dated May, 1975. I am suggesting, without recapitulating the whole thing, that you bring the update up to date and that we be clued in on all those items that were not finalized.

[9:30]

I could start by reviewing, say under the economics section, recommendation after recommendation which have received no determination at this particular time. Promises were made that it was under review, that implementation would be expected when something else was done—any number of things. I don't think it's permissible in the opposition to leave things in that sort of limbo, and I am going to seek to prevail upon the minister to clear the decks, let us know what precisely was brought to pass and what wasn't at this date, and at least we'll know to what extent this report on policing became efficacious or did not do so in the province.

I don't think we can do it for this particular debate, but we can for some subsequent Solicitor General's estimates. All I am trying to do is to extract a promise from you on this occasion.

Hon. Mr. MacBeth: The hon. member for Lakeshore said I was very agreeable, and I won't change that. I will be very agreeable to do so. I think we could do it for you for Friday. The latest update we have is June 1976, but certainly we'll have it before these estimates are over. As you know, we don't go on with them day by day—they are Mondays and Fridays—so I assume you won't let me off the hook for a little while, and before I am off the spot here we will be glad to give you an update.

Let me say this, they might more properly be raised perhaps under the work of the Ontario Police Commission. So by the time we get there, maybe we'll have that update for you.

Mr. Ziemba: In this vote, main office, would it be correct for me to discuss the community relations officers as well as paddy wagons? I'll start and you can interrupt me if I'm out of order.

You will probably agree that community relations officers are in the front line of the war on racism here in the city. I met with the Solicitor General during the last session,

together with the member for York South (Mr. MacDonald), in regard to racial difficulties in the borough of York, and the community relations officers were able to resolve them. But there is a problem with this group of men. First of all, they are a small number, and secondly, there is a bit of mistrust in the community.

It seems that while they are young and they are from visible minority groups, they are also policemen and they collect information. They compile files on people, and many of the people they work with rather resent being in the police files, especially if they are young. So there is a bit of antagonism there and a bit of suspicion. I think the Solicitor General can appreciate that. I would hope that perhaps these community relations officers would be given a bit more freedom and a bit more flexibility with regard to regular police duties, and not report in the normal fashion by explaining who they talked to on a particular evening and collecting massive dossiers on people.

Secondly, they are difficult to get hold of. It is difficult for me to get hold of them on occasion, and I am sure that the people who are having difficulty with harassment—immigrants—are also in that same position. The people in Riverdale especially make a point of this. One storekeeper says he has had his window broken three times and he is now almost forced to arm himself to protect his store. Another East Indian taxi driver was beaten up travelling in the riding of Riverdale, and there is an East Indian in the borough of York who just the other day had a molotov cocktail planted in his front yard.

These people would certainly like to get hold of our community relations officers, and I wonder if they could be made more available in a sort of storefront operation in the way that the legal aid system is. The Parkdale Legal Aid Bureau might be assigned a few community relations officers to work right out of there or out of our constituency offices or to staff their own storefronts or something but to be available to people who really need them.

These are the people who should be dealing with the race problems in the city—not the regular police force. One of the papers, in an editorial the other day, made a very good point in saying that when members of the regular force go out on an investigation, they seem to be aloof and insensitive to the concerns of the immigrants. I think there has to be a bit more sensitivity, which can only come from these specially trained men.

I would be interested in learning how many officers of any kind were hired from the minority groups, the visible minority groups, over the past five years. I would also be interested in finding out how many left the force for one reason or another over the past five years. That would be a very interesting statistic.

Mr. Chairman, if you were to find yourself in a paddy wagon on your way to court, as very many people do in this city on occasion—

Mr. Kerrio: Speak for yourself.

Mr. Conway: So we hear.

Mr. Samis: On the way to Queen's Park.

Mr. Ziemba: —you would find yourself handcuffed to the chap next to you; and there are usually three or four people handcuffed together on both sides of the paddy wagon. When the paddy wagon takes off, there are two spotlights that come on—

Mr. Conway: Didn't I read this in the Star?

Mr. Ziemba: You'll read it tomorrow.

As the paddy wagon takes off, these spotlights are supposed to highlight whatever goes on in the back of the wagon. What happens in many cases, especially if there is a prisoner from a visible minority group, an East Indian or a black, is that scores are settled at that point.

I have talked to one young fellow who is being held at the Metro West Detention Centre. He's there today. He was severely beaten by a group that identified themselves as the OHIP Gang—these people apparently drum up business for OHIP by beating up prisoners—and he had his nose broken. He's had two black eyes and he hasn't been guilty of a thing. He's still before the courts.

I would like to get back to that, but there's another chap, a Trinidadian, who is being held at the Scarborough East Detention Centre. He was severely beaten at the Don Jail and he was put under protective custody.

Mr. Conway: Did the Ministry for Correctional Services (Mr. Drea) hear that?

Mr. Ziemba: Again, this chap is really in terror when it comes to being transported from one jail to another tied to a group of other men who, for one reason or another may attack him.

I would like the Solicitor General to table in the House the number of injuries that have been reported. I'm sure the police do report injuries; they are responsible for people who are being transported to and from court,

to and from the jails. It would be in the corrections' interest to get those statistics.

If a man leaves in good shape and comes back badly beaten, that would be reported and I'd like to get that figure. If it is a problem—and I really think it is—perhaps there should be alternatives to the present system of paddy wagons. Perhaps cruisers should be used or the policemen themselves, a couple of policemen, asked to sit in the back with the prisoners to make sure that law and order prevails at this most crucial of times. Those were the two points I wanted to bring up.

Mr. Deputy Chairman: There being no further speakers, shall—

Hon. Mr. MacBeth: I don't know whether he wants a brief statement. Perhaps I am at fault, Mr. Chairman, in letting it go on quite so long, because it probably more properly belongs in the vote of the Ontario Police Commission. As the member knows, the various forces get their guidance, not from head office but through the OPC; they are the ones who might be able to give him more specific information.

We'll try to get some figures on the paddy-wagon problem that he raised.

Mr. Conway: Get that smile off your face.

Hon. Mr. MacBeth: It could happen and we'll try to get him some figures on it. Again, the community relations officers are generally with the larger municipal police forces. We do have people doing community work with the OPP. Of course, that would come under their vote.

I do have attached to my office, but on the payroll of the OPP, a Detective Inspector Smith who does a lot of co-ordination with the various forces across the province. He can, in many cases, act as my community relations officer and get this kind of information for me. So, specifically, in regard to the transportation of prisoners—and a lot of that is done by the police, some by Correctional Services, but a lot of it by the police—we will try to get those figures from the OPC and have them for you.

Community relations officers: I know an awful lot of the forces have them. But again, even under their own responsibilities, I think when times get a little tough maybe some of the community officers are the ones who are withdrawn from that to other fields of service; and maybe that is not wisdom on their part. But whether or not they have community relations officers depends on the various forces. We have them in the OPP in certain areas, and they are doing a good job.

Mr. Stong: Mr. Chairman, through you to the minister. I just wanted to get clarification on the services item.

As I understand it, you indicated that there was \$79,000 allocated to advertising, and \$24,000 allocated to public relations. I would like a breakdown of the difference between advertising and PR. I don't mean in terms of money but in terms of role and what was accomplished.

With respect to advertising—what did that consist of? And was there any co-operation between the ministries with respect to advertising the different roles in brochures put out by the ministries of the Attorney General and of Correctional Services? Could there not have been a saving in advertising costs by combining this activity?

Hon. Mr. MacBeth: Mr. Chairman, with regard to the \$79,000 for advertising—that is done in just that way, by trying to put the ads together in these various ethnic presses; and of course, some of that covers police work. It has tried to put them all together in a way that they will cover all of the various ministries and co-ordinate them to the best advantage.

In regard to public relations—not a large amount is specifically earmarked for that. I think we have a breakdown of that \$24,000. It is, I am told, a \$2,000 monthly payment to the public relations firm which does a certain amount of co-ordination for us in the way of public relations; they handle various press releases; although some of that is done within our own ministry. They write the odd speech for myself and for various other members of the staff in the ministry.

Mr. Lewis: A public relations firm writing your speeches? What do you pay your staff for?

Hon. Mr. MacBeth: There is the odd one. I don't give that many speeches.

Mr. Lewis: That is why it is reprehensible. Your speeches are odd enough as it is.

Hon. Mr. MacBeth: I would agree with that. I use the firm on very rare occasions; but they are there for advice. I think last year they probably did about two talks for me.

Mr. B. Newman: What is this one?

Hon. Mr. MacBeth: They are used by the ministry. They are used on a consultative basis. They are used in connection with our publicity program; some of the things we were talking about earlier—the films that are produced; they are consulted on films. They are also consulted on the matter of the brochures; and we did supply you with some of

the brochures that we put out. It is a consultation fee.

Mr. Lewis: What is the name of the firm?

Hon. Mr. MacBeth: Public Relations Services Limited.

Mr. Lewis: PRSL is on your payroll too! Boy, oh boy!

Mr. Deputy Chairman: Order, please.

Mr. Lewis: Remember Peter Bruten?
[9:45]

Mr. Warner: Thank you, Mr. Chairman. Before I begin I wish to congratulate you on having been appointed to your position. I know you will carry out your duties quite admirably.

Through you, Mr. Chairman, to the minister there are a couple of issues that I would like to raise. First, I want to put forward that policing is too important to be left to the police, too important to be left even to the police schools.

This does not mean that it is not a special art and that it does not require special skills or that there is an unnecessary elitism involved in restricting the policing of the community to a qualified class. What it does mean is that all of us, police and non-police alike, have a continuing interest in the quality and effectiveness of our police system, particularly because our form of political organization, through which we give expression and force to our law, is based on public participation in political and social processes, on freedom to debate public issues, and freedom to examine and evaluate public institutions, including the policing of the community.

I do not take credit for those words. They come from what is commonly known as the Morand report. One suggestion that flowed from that was that we should have a citizen complaint bureau, and secondly, as interpreted by the former Premier of this province, that we should have the policing system in the city of Metro Toronto come under the more direct control of the council, the elected people of Metro Toronto. I would like to know from the minister when he intends to see that happen.

I realize that in the instance of Metro Toronto he can simply refer to the fact that all of those comments are going to be dealt with by the Treasurer (Mr. McKeough) and that there will be some legislation coming forward in the spring, but I am thinking that he can still deal with that concept as it applies to all of the province of Ontario, not just the city of Metro Toronto, because it is a very important one.

If we are concerned that we have proper policing and it is part of our social system

in this province, then it rightfully belongs connected to the political system. That means that we deal with it directly through the elected people in the municipalities and not so much through the appointed commissions. It's a very important link for citizens to have.

Secondly, I assume from your remarks earlier that what you were alluding to is that we are at long last going to see what has been promised for some time now—a citizen complaint bureau. I am wondering if the minister can be more explicit when he talks about a piece of legislation that he is going to introduce. Are we actually going to see the citizen complaint bureau? It's long overdue.

I want to underscore it in terms of what is happening in this city. I think the minister is well aware of the problems which exist. We have some very serious difficulties for ethnic people in the city of Metro Toronto. Quite frankly, they are not being dealt with adequately by the Toronto police force. I think the minister realizes this as well as I do.

Part of the answer may lie with the Treasurer, agreed. The Metro Toronto police force has indicated that it requires an additional 100 people and that many of those people need to be employed as community relations officers, that they need to be working in the communities, that they need to be working with the various ethnic people in Metro Toronto, and that they need to be working with the police forces themselves, because many of the biases—

Mr. Kerrio: The new police commissioner is going to straighten them all out.

Mr. Warner: —which people in our community are living with and are accustomed to, spill over into the police forces. I think the minister is well aware of that.

It needs to be dealt with directly. I don't think that in all fairness the Metro Toronto police force can be expected to handle the entire situation, if it identifies the need for an additional 100 officers but the Treasurer is going to prevent that happening. Clearly, his budget, which allows something in the neighbourhood of a 4.6 per cent increase for Metro Toronto, will not in any way allow the Metro Toronto police force to do the hiring that is necessary.

I'm wondering if the minister is now prepared to go to the Treasurer and say that we have identified a very special need in Metro Toronto with respect to racial problems, where we want to deal with it effectively and directly; that the Metro Toronto police force is not at this moment entirely capable of dealing with this situation and that we require some extra funds to be spent directly

on that problem to do the kind of hiring that's needed and to hire the community officers that are needed to work within our ethnic communities.

To underscore the problem even further—and it requires, I think, some comment from the minister—I take it the police force in Metro Toronto are so harried at this point in time because of their lack of manpower that they are now selective about what incidents they write up and what ones they don't.

Mr. Kerrio: The new police commissioner is going to straighten that out.

Mr. Warner: I can cite, for example, an incident which occurred in my riding where someone was chased after, caught and beaten by two security guards. When the people who witnessed this phoned the police department, the police arrived and made no report. I assume they thought that was the end of it. The citizens obviously had sense enough to call their good elected member who followed it down and found out that indeed the incident had occurred. The security people later admitted to it.

The police said that they had been told to try to ascertain which incidents were of greater importance and that only those of greater importance should be written up. I find that rather shocking to tell you the truth. If it is the result of the fact that the police officers are overworked and overburdened and that they can't possibly handle all of the situations they're given, then that once again tells us that Metro Toronto needs more officers. If it's something other than that, I'd like to know, because it seems to me that that's a pretty poor way to carry on things.

Mind you, I fully realize because of the person who was involved and the neighbourhood in which the incident took place that it really is just the sustaining of the two sets of laws that we have. I realize all of that. One can't expect when a court system upholds two sets of laws, one for the rich and one for the poor, that when these kinds of incidents occur in a very poor neighbourhood the police are going to do anything other than ignore the report. There's either that side of the question or they simply don't have the manpower to do the job they're supposed to do. In either case, obviously the government loses because the responsibility does come back to the ministry.

I'm asking also if the minister could comment on one of the comments raised by Mr. Roberts in his report, and I quote: "In view of the importance of policing to the local community both as a service on its own and in its interrelationships with other local

services, steps should be taken to increase the accountability and responsiveness of policing local government." I assume that that applies to all communities across Ontario.

I'm wondering how the minister is going to respond. How does he intend to increase the accountability and the responsiveness of police forces to the local community and their elected people? I have no more questions at this point. Perhaps the minister can respond.

Mr. Deputy Chairman: Before the minister responds, I'd like to point out to the committee that the hon. member was really talking on vote 1603 rather than 1601. I allowed him to continue though many of his remarks should have come at a later stage of these proceedings. As we proceed in this committee, I'll try to ask the members to keep to the particular item and they can come back on each item.

Hon. Mr. MacBeth: He started off on a matter that might be under 1601, but in making some general comment in regard to the entire matter of policing, he covered more, as you say, than the particular vote at issue.

Citizens' complaint bureau: I commented on that in my opening remarks and suggested that I hope to be bringing in legislation later on in this session in regard to the proposals we have but, as I said, I intend to discuss those proposals with the critics of both the Liberal and New Democratic parties. The bill is such that I think it should go to committee.

At the same time there are other matters which perhaps should be dealt with more expeditiously such as the ones the hon. member is raising about the composition of police commissions. That brings us to two types of commissions, one dealing with regional municipalities and the other dealing with the other municipalities, which have three-man commissions as opposed to five-man commissions.

The commissions of most of the regional municipalities are set up in their own bills, so I would like to get the standard or three-man commission cleared up first. The main problem there, of course, is that the present Act requires a judge to be on the commission. We've had great co-operation from the judges, who no longer are able to receive extra remuneration for serving on these commissions, but they have continued to do so now long past the time that they were able to receive extra remuneration—many of them as a sense of duty or because they enjoy the work on the police commissions.

Many municipalities believe that a judge or somebody who is recognized as impartial

should serve on those commissions, and they are quite happy with that. Others, such as Metropolitan Toronto, have suggested in recent years that they don't want that sort of situation; they want more appointees by the council itself. There are two schools of thought on it, and at the present time the school that says, "Keep them removed from the direct political connection or one source of political connection," seems to be gaining a little more momentum than it did two years ago. But there are two distinct schools of thought and both have some very strong reasoning that they can back up their positions with.

As the hon. member knows, Mr. Roberts recommended one thing in his Metropolitan Toronto report, and we'll be considering that when we deal with the regional municipality of Metropolitan Toronto. But in the meantime, dealing with the other forces, it would be my hope to keep a judge as permissible. A lot of our communities are quite happy and content with that. If that's the case, one of the other two would be the mayor of the municipality and the other, I think, would be a provincial representative.

When the hon. member says, "Make them all municipally appointed," most of the questions that I get asked in this House are questions dealing with actions of various municipal forces. Certainly some of them are OPP, and some of them deal with fire and forensic services, but most of the questions I get are questions relating to actions of municipal forces. Remember that we do pay a grant of some \$10 per head to help with the policing. I know in many cases it's not a large percentage but it is a percentage.

In the sense that we must have some uniform policy of policing—and both opposition parties are saying to me today, "Why don't you tell municipal forces to do such and such?"—one way we can tell them is through the Ontario Police Commission and then possibly through our representatives. I don't mean we put any influence on our representatives in that way at all. We don't. But we hope to get people there who are not responsible to the municipal council, who have a certain independence, who can know what the policy of the Ontario Police Commission is and in that way follow it through.

Sometimes the municipal representatives are pretty independent souls; that's fine, but they are not quite as ready to take directions from the Ontario Police Commission as others are. So having a municipal representative and a representative from the province with the impartial judge, if they choose to continue and the municipality wants them to continue,

I think makes a pretty good mix for the three-men commissions.

Mr. Conway: Have you found a replacement for Elmer yet? There must be a Tory somewhere to fill that chair.

Hon. Mr. MacBeth: Oh, there are lots of good Tories. But, as the hon. member knows, we just don't restrict our vision—

Mr. Conway: I hear—

Mr. Deputy Chairman: Order. Order, please.

Hon. Mr. MacBeth: —to the Tories of this province. If we can find good people somewhere else, they may get the call.

Mr. Conway: I hear Marvin Shore is available.

Hon. Mr. MacBeth: He may get the call. Who knows?

I'm saying that we'll hear more about the composition, certainly of the three-men police commissions, I doubt if we will do anything about the regional commissions for a while.

[10:00]

Mr. Samis: Where is John Smith when we need him?

Hon. Mr. MacBeth: Lack of manpower: I think there is again a school of thought that all the crime in the province, within the municipalities of this province, can be solved or considerably done away with by hiring more policemen. I don't necessarily buy that theory. I don't say that if you had even 100 per cent police that you would have no crime at all, because regrettably occasionally we get a few misdemeanours among the police themselves. But I come back to the point that you need some public morality to support the police and if you don't have that public morality going for you, then the police, no matter how many and how good they are, are going to be in difficulties.

If you say that we have ethnic problems here in Toronto, and that is doubtlessly true in many cases, I don't think all the policemen in the world are going to solve those problems alone. I am not prepared to go to the Treasurer and say: "Mr. Treasurer, if you gave me some special funds for Metropolitan Toronto that I could apply to the police of Toronto, they would be able to clear up or suppress the ethnic problems." It goes deeper than policing and that's the point I tried to make earlier. It's a community sickness and not one that the police can themselves correct, so I am not prepared to go to the Treasurer and ask for special funds for that matter for Toronto.

They have some 5,500 people on the Metropolitan Toronto police and I think the

force is quite capable of looking after the major matters that we expect it to look after. In other ways we hope to make it easier, as I mentioned in my opening remarks, to ease pressure on the police forces such as through their appearances in court and things of that nature.

Mr. Deputy Chairman: The member for Ottawa East.

Mr. Conway: The Monday night special.

Mr. Roy: Mr. Chairman, first of all I do want to join my colleagues here in congratulating you on your appointment. You will receive my wholehearted support, especially when you take active part in curtailing the activities of the member for Renfrew North (Mr. Conway). You will get my wholehearted support for this.

I just want to make a few brief comments on this vote because I think it's difficult to situate it in any other specific vote. The comments I want to make are in reference, first of all, to the opening comments made by the minister. Possibly the first question I should ask the minister is about this PR firm that wrote this speech here, or the comments that he made at the opening of the estimates. Like many of my colleagues here, I just find it strange. I can't for the life of me justify why a Solicitor General who is surrounded by assistants and then deputies and people all the way down the line, would require the services of a PR firm to write speeches. That's what I understood, Mr. Chairman, to be the—

Mr. Wildman: Who owns the PR firm?

Mr. Conway: The Tories believe in sharing the wealth.

Hon. Mr. MacBeth: Maybe that speech would have been better if it had had the assistance of a PR firm.

Mr. Roy: Well, I don't know. Frankly, I haven't seen any of your speeches which smack of the expertise of a PR firm. I don't think the Solicitor General of the province should be using such services. You tell the facts the way they are. I mean, why do you have to jazz up a speech by a PR firm, especially when we know that this particular firm appears to be on the payroll of every ministry of this government?

Mr. Makarchuk: Maybe he's running for the leadership of the Tory party.

Mr. Wildman: Does Dalton Camp own it?

Mr. Roy: I frankly don't see any justification whatsoever for this ministry to use it. I could see the Minister of Industry and Tourism (Mr. Bennett) needing some PR.

Mr. Warner: He needs help.

Mr. Roy: You've got to do a bit of jazz and you've got to soup it up a little bit to get the tourists into place, but why the Solicitor General should require—

Mr. Conway: Who is your barber?

Mr. Roy: He's been commenting on my haircut. I keep telling him I go down to the small claims court in Ottawa every day to get a trim.

Hon. Mr. MacBeth: Your barber is worse than my speech writer.

Mr. Makarchuk: Does the Minister of Industry and Tourism get his cut there too?

Mr. Roy: Having said this, possibly one of my colleagues, the critic, may have something to say about this \$24,000. I really see no justification whatsoever for it.

Mr. Warner: He needs help.

Mr. Roy: The Premier might need some jazzing up, some PR stuff. But for the Solicitor General of this province, I frankly see no justification for it. I really think that the members here in the Legislature would be doing the province a service by cutting out that what we consider to be excess or a waste of money. After all, the Treasurer is telling us that we are facing an extra \$300 million and some deficit in addition to what he has already proposed. How much is it?

Mr. Lewis: It is \$375 million.

Mr. Roy: And we are paying this firm \$24,000. I think it's time that we start cutting out some of that chaff. It is unnecessary.

Mr. Lewis: I'll do a couple of speeches for you each year.

Mr. Makarchuk: For half the price.

Mr. Lewis: For no retainer.

Mr. Conway: If that leadership race doesn't pick up, you won't have the time.

Mr. Roy: The second thing I wanted to mention pertaining to the minister's opening comments is that in his speech on page eight he talks about organized crime. I suppose in every estimate I've been in since 1971 somebody has mentioned the question of organized crime. We have always had the same response. The minister says, "No, in Ontario it's not necessary. Maybe it's necessary in some other jurisdictions, but not in Ontario. We don't have a problem."

He doesn't say we don't have a problem, but he says the problem is not such that it requires this type of inquiry into the question of organized crime. Yet from year to year we seem to have evidence at least that organized crime is getting more involved and that there is more activity in the major centres of this province. Yet we keep getting the answer,

"It's under control. We have no problem and we don't need this."

The thing that I find interesting is that on page eight it states: "Such an inquiry would certainly impair the effectiveness of police investigations which rely on undercover surveillance activity that cannot be made public." The suggestion is that in a jurisdiction like Quebec the inquiry into organized crime has impaired the function and activity of that jurisdiction in combatting organized crime. They had a public inquiry and from time to time they are not afraid of reviving the inquiry. I don't see that at all.

I want to say to the minister that it may be at this particular time you are not organized to have this type of an inquiry. If you are going to have a public inquiry, you have got to work towards it over a period of years in the sense that you have got to build up your evidence. You can't just decide to have an inquiry and not have any evidence to present to the inquiry.

The reason for the inquiry in the first place is because the normal methods of combating organized crime are not effective enough. One of the most effective weapons in these circumstances is bringing this type of activity into the public light. Sometimes this type of inquiry educates not only the public but very often some of your own police forces who are not aware of particular activities of organized crime. Very often the officer on the beat may see a particular activity and never associate it with organized crime. He's looking for someone breaking windows or breaking doors or robbing banks. Often he is not in a position, without proper education or without proper enlightenment through an inquiry to see the type of activity that's involved in organized crime.

I am saying basically to the minister that we should, on the long term, quit kidding ourselves in this province. The fact that we keep going around saying, "No, we don't have a problem; it doesn't exist," doesn't mean to say it's not there. The evidence seems to indicate, and I think anyone involved in the administration of justice or in enforcing the laws here in this province realizes it, over a period of time, that any time you get a conglomerate of people and any time you have a lot of money in a particular area, then this is a prime area for organized crime to get established, and Ontario is no exception. If it is it's the only exception, I suggest, in all of North America.

I would like to hear the minister saying, "Yes, maybe in the long term we're working towards possibly organizing an inquiry. Yes, at this point we're possibly building up evi-

dence." He will recall the inquiry in Quebec, for instance. They had all the wiretap evidence and they were able to organize witnesses; they had been working at that on a long-term basis.

I suggest to the minister that the inquiry into organized crime in a jurisdiction like Quebec was an exercise that was beneficial, not only to the public but to all the police forces. In that sense, when this thing was brought out publicly, it curtailed the activities of many of the individuals who were involved in this type of activity.

I'm suggesting to the minister that the time has come to quit kidding ourselves about this. For him to say it's a unanimous opinion that a public inquiry is not necessary and to suggest that a public inquiry somehow would hamper the activity right now of the police, I just have to wonder. It may be that he does have that type of plan and he feels it's not in the public interest to reveal it, but I find that this kind of statement is not in conformity with the facts, at least in other jurisdictions.

The final point I would like to mention on this vote—and I don't really know where it would go except to mention this directly in the ministry vote—is the question of crime statistics as brought out by various police departments.

The minister may be aware that in Ottawa recently some defence counsel got together and looked at the statistics being brought out by the police, who were saying, "There's an increase in serious crimes or in violence, there's an increase in murder of such a percentage, there's an increase in rape and violent crimes, and so on."

When the counsel got down to study each one of these offences, they realized that in fact the statistics the police were putting out did not conform at all with the conviction rate of these individuals. In some offences the difference was as much as 80 per cent. In other words, on many charges of murder the accused ended up being convicted sometimes of assault causing bodily harm, and yet the statistics for murder had not been changed.

There was also another situation—and I think some of my colleagues mentioned this—where in one particular instance an accused was charged alternatively with three different types of serious offences. Obviously he could not be convicted of the three offences and a couple of charges were withdrawn. The statistics, at least those the police were putting out, showed certain rates and the public was left with the opinion that there's a great increase in crime,

Of course, it's helpful in some measure to the police, because they can go to their politician and say, "Here is the tremendous increase in this area. We need better equipment. We need more manpower. We need more of this and more of that." In some ways it intimidates those in authority to say, "Yes, we'd better give in, because we face a serious problem."

I suspect that this goes on right across the province. The minister says of the serious offences that the police sometimes have to charge alternative offences because they're not really too sure at that point what an accused is going to be convicted of. Just as an example, if an accused is stopped while he's been drinking and driving his car and he is charged with driving while impaired or, under section 236, driving while his blood alcohol level is over 0.08, obviously he can't be convicted of both. Yet it's registered as two offences.

[10:15]

This goes on all the time. An accused is charged with rape and, at the same time, indecent assault and maybe assault causing bodily harm; so we get this duplication of charges. In that sense, when statistics are kept on those charges, it is erroneous. We should attempt to have statistics as accurate as possible. I appreciate there are some circumstances where the police have to lay alternative charges, in cases where it is difficult to say. But to suggest that there has been an increase in murder of such a percentage, and then they find out it is maybe 50 per cent. According to an Ottawa survey, about 60 per cent of people charged with murder were, in fact, charged with murder of a certain degree and they ended up not being convicted of that at all. Yet in the statistics it came out that you had this large increase.

I think it is erroneous. I think we should strive to tell our police forces that we should be careful about that. We should try to have statistics which reflect reality, figures that are not inflated.

Having made these comments on these three points, I look forward to receiving the remarks of the minister, Mr. Chairman.

Hon. Mr. MacBeth: Lest you think that my speeches are costing the citizens of this province \$24,000 a year—my staff are anxious to have that matter clarified. I think, probably, the consultants did two speeches for me in the course of last year. I don't remember exactly, but I think over the course of my time in the Solicitor General's ministry I have had them prepare three speeches, I

don't know in which financial year those three speeches may have fallen. However, their main work is in giving advice on and assistance in the preparation of crime and fire prevention brochures. I gave the opposition critics copies of some of this work.

In the drafting of film scripts for fire prevention and crime prevention: The film script *Doing It Wrong* was a very successful film that our ministry produced and is one I referred to in my opening remarks. It deals with young people who get off to a bad start on a weekend with liquor and a few other things; it shows the consequences of their actions. That is the kind of advice they give, they advise on that; also on radio scripts for some of our various safety measures.

The public relations firm initiates a few speeches. They have done two or three for me over the course of my time in the ministry, and maybe one or two for others.

In community crime prevention, they do some of the work that one of the NDP members was asking us to do; they advise on that, as well as public relations material for the OPP community services, for schools and community meetings.

So some of the things that you said the police should be doing, that is exactly where the public relations people are serving us. The thought is that if we didn't have them we would need another one and a half people in the ministry to handle public relations. We presently have one public relations officer, Mr. Sidney Allinson, and he has one secretary working with him. We feel that we are saving a possible one and a half by using this outside consultant; and the work they do for me personally is a very minor part of what they do.

The member for Ottawa East, of course, has come back to his favourite subject, organized crime. We have a gulf of difference between us on the way to approach this. I have questioned the procedure that most of these commissions use. In other words, you suspect a person of being involved in crime, but you haven't got enough evidence to lay charges so you start some public inquiry whereby you might hope to get him to commit himself out of his own mouth, or if he refused to give answers that might make him commit himself.

Mr. Samis: That is not a fair representation.

Hon. Mr. MacBeth: Then you go on from there and suggest that he should be locked up for contempt of court or for some other thing.

That is not the way we like to see justice done in this province. I don't like to go so far as to say there is never a place for these inquiries, because the situation might be that in the public interest we should have one; and we have had them in the past. But they are very costly. Last year, you might recall, we estimated that one of these commissions—particularly in the manner that Quebec has been doing—would run into millions of dollars. If that was the case, the police said they would rather have the expenditure in more up-to-date equipment and more personnel. Last spring we arranged for just that. There is some inconsistency.

Mr. Samis: How many millions for the election?

Hon. Mr. MacBeth: At the present time we are looking at ways to curtail expenditures in the police, but at the same time I am hoping it will not affect the kind of people who are engaged in active police duty on organized crime or the major crimes.

Organized crime certainly is a problem, but I think it is under as much control as any other crime. We know, as I said in the opening address, who the main people are. Our problem is to try to get the evidence.

Mr. Wildman: Who is controlling it though?

Hon. Mr. MacBeth: I keep coming back to the fact that although Quebec produced a lot of evidence in connection with its inquiry, as to the actual convictions and the police work in connection with those convictions, much of it was done in the province of Ontario.

Crime statistics are in the news today. They are in the news because the deputy ministers of the Attorneys General and Solicitors General, and indeed Correctional Services across the country, have been talking about the problems in regard to statistics. That is not to say that present statistics are a shambles. They are not. There is a formula for statistics, but like any statistics they can often be mixed up depending upon who is doing the interpretation of them. I quite agree that sometimes police statistics are used in the way that the member for Ottawa East suggested that they were used, to suggest that there is more crime than is in actual existence, and therefore that we should be spending more money in fighting that crime.

A little earlier I said I didn't think all crimes could be put out of the way simply by employing more police. Crime is a much deeper thing than just that. I would agree that the statistics should be examined. Our

Justice policy field has been looking for ways in which we could get one basic statistic for the Justice field, as I said earlier, to deal with both the courts and the various correctional institutions that these people may end up in. Very often they go from institution to institution and very often they are not only picked up once but they are picked up a number of times—recidivists, as you know. If we could have the same kind of information for the police as well, we would have one set of information that we would have for these people and have it all computerized in one way or another.

So it's in the news and you are reading about it because it is under study. We realize the problems involved. Not only is it a Canada-wide problem but it is certainly a problem that our own ministries are dealing with and they hope to present some better answer to the matter of statistics very shortly. In the meantime, certainly the police have a formula and I'll be glad to produce that formula for you.

Mr. Roy: Mr. Chairman, on that question: First of all, on the \$24,000 that I talked about for speeches, I'm glad to hear that it wasn't only for speeches. If I had the minister's assurance that the emphasis actually is on brochures and on assistance in the PR end of it—whether it be radio, television, crime prevention, that sort of thing—I can see some logic in that. I frankly had been led to believe by your earlier comments that what these people were doing was writing speeches for you and I thought \$24,000 was just a bit much.

Hon. Mr. MacBeth: For the kind of speech I give, I would agree with you.

Mr. Roy: I don't want to be provocative, to use your leader's words. You are a pretty good fellow but it's pretty tough to get overly—well, I shouldn't say enthusiastic, but the type of stuff that the leader, or the former leader, or the leader of the NDP, I should say—

Mr. Breithaupt: Leader pro tem.

Mr. Roy:—would get involved in doesn't come out of your ministry. It's hard to get all flamboyant and have all sorts of PR lights flashing all over out of your ministry. You've got to be serious and you've got to be sort of dour to some degree, I suppose, to become effective as the Solicitor General of the province.

Mr. Conway: What two speeches didn't you write? Those are the two I want to hear about.

Mr. Roy: I do want to say this to the minister on the question of organized crime.

You brushed off too lightly what I've been suggesting. I think you do a disservice to other jurisdictions to suggest that the only purpose for a public inquiry is to get certain people up there and then, when they don't answer questions, find them in contempt of court and send them to jail for a year. I think you are doing these people a disservice.

I watched on television some of the activities of the Quebec commission. I watched the three presiding judges who were at the hearing. The evidence brought forward was in fact wiretap evidence. They weren't just calling in anybody and saying, "What have you got to say?" and when the fellow didn't want to answer find him in contempt of court and cart him off for a year. They had solid evidence and they wanted some explanation. When it was clear there was a refusal on the part of certain individuals about which they had very strong evidence of certain activity, backed up not only by wiretap evidence but by evidence of certain other witnesses, then at that point, after a thorough investigation, some of these people were found in contempt of the commission.

My discussion with the people in Quebec involved with this inquiry brought out the fact that, first of all, there was education of the public and then there was education of various police forces. It may well be that the OPP and the large metropolitan forces are equipped to deal with that and have certain expertise within their police departments, but many areas of that department are not aware of this and many smaller forces are not aware of certain activities. That's an education for them as well.

Finally, they wrote a lengthy report with certain recommendations, about how you could curtail certain types of activity. If I recall, in Quebec, I think they said the most effective way to curtail a lot of activities was through the income tax laws. So I think by your sort of summary dismissal of an inquiry, you're saying, "We work another way more effectively by certain good equipment and we get certain convictions." I think there is something good to be said about both. What I'm saying to you is that I clearly have the feeling, and I think many of my colleagues would agree with me, that Ontario has basically taken the approach that "they've got all these problems in Quebec with organized crime, but in Ontario we don't have that sort of problem. We don't need an inquiry. We've got the thing under control."

Yet we clearly have the impression that it's spreading, that it's getting better organized, and that in fact it's getting involved in

more areas. Somehow the police who are giving us assurances all the time that they've got it under control don't seem to have the type of control that the minister is satisfied with.

Mr. Conway: The Attorney General will find a few headlines.

Hon. Mr. MacBeth: I don't think I can add much, I've noted what the member says in regard to organized crime. I haven't outlawed it, nor has the Attorney General outlawed the possibility of it. As I say, we are still taking our advice from our senior police and people in the Attorney General's office. Their present position is still that it would do more harm than good. But I haven't outlawed it as an ultimate tool that might be used.

On motion by Hon. Mr. MacBeth, the committee of supply reported progress.

RESOURCES DEVELOPMENT COMMITTEE

Mr. Speaker: This afternoon we received a report from the standing committee on resources development and the report was adopted, but we neglected to ask whether the bill in question should be ordered for the committee of the whole House or third reading.

Mr. Breithaupt: The committee of the whole House.

Mr. Speaker: The committee of the whole House. Is that agreed, just so that we can have that in Hansard?

Agreed.

On motion by Hon. Mr. MacBeth, the House adjourned at 10:28 p.m.

CONTENTS

Monday, October 17, 1977

Estimates, Ministry of the Solicitor General, Mr. MacBeth, continued	825
Motion to adjourn, Mr. MacBeth, agreed to	850

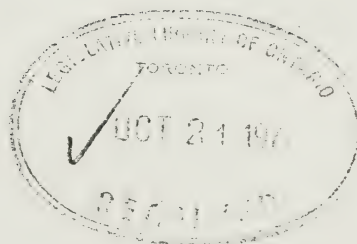
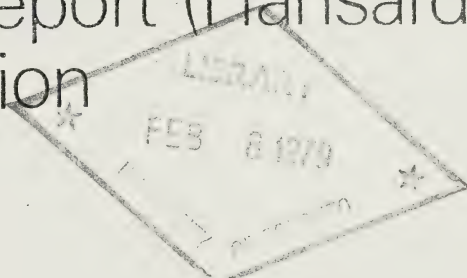
SPEAKERS IN THIS ISSUE

Bounsall, E. J. (Windsor-Sandwich NDP)
 Breithaupt, J. R. (Kitchener L)
 Conway, S. (Renfrew North L)
 Davison, M. (Hamilton Centre NDP)
 Eaton, R. G. (Middlesex PC)
 Edighoffer, H.; Chairman (Perth L)
 Gregory, M. E. C. (Mississauga East PC)
 Hodgson, W. (York North PC)
 Kerrio, V. (Niagara Falls L)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 Lupusella, A. (Dovercourt NDP)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 Makarchuk, M. (Brantford NDP)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
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 Ziemba, E. (High Park-Swansea NDP)



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First Session, 31st Parliament

Tuesday, October 18, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

TUESDAY, OCTOBER 18, 1977

The House met at 2 p.m.

Prayers.

TRIBUTES TO FORMER SPEAKER

Mr. Speaker: Just before we proceed with regular business, and since the former Speaker, the member for Northumberland, is in his seat, I would like to welcome him back as a regular member of the Legislature and to say how much I enjoyed and appreciated working with him, and enjoyed his wise counsel.

As most members know, Mr. Speaker Rowe was responsible for hosting the Ontario segment of the Commonwealth Parliamentary Association conference, which was hosted by the Canadian branch this year. He did an excellent job on behalf of the province and on behalf of the assembly.

Mr. Rowe provided the hon. government House leader—the member for Brock (Mr. Welch), and the member for Kitchener (Mr. Breithaupt) and myself, the opportunity to participate with Her Honour at a tree planting ceremony in Niagara-on-the-Lake, which was held in conjunction with the visit of the CPA delegates. At that time we were able to join in commemorating the 185th anniversary of the first sitting of the Parliament of Upper Canada, 185 years ago today.

Another tree was planted commemorating the hosting of CPA by Canada and the province of Ontario. The third tree was for the purpose of commemorating the 25th anniversary of Her Majesty Queen Elizabeth's ascension to the Throne. During the progress of those three events it was brought home, certainly to me and I'm sure to many in the audience, just how important parliamentary democracy is to each and every one of us.

I want to thank you personally, Mr. Speaker, and all of those who assisted you with those arrangements. I'm getting letters back now from the delegates saying how appreciative they were of the hospitality shown by you and our very capable table officers, who jointly assisted greatly in making their stay a very memorable and a very enjoyable one indeed.

I think we should hearken back to those celebrations and transfer the feeling that

was certainly evident at that time to this very chamber. As you know, parliamentary democracy is very fragile. I think most of us think it is something we should preserve and build upon, and I see no better way for us to do it, individually and collectively, than by showing that we do show respect for it and we think it is worthwhile preserving and building on. I hope our actions in this chamber will carry on that spirit that was carried on here and shown so capably by you, Mr. Rowe, our hon. member for Northumberland. Thank you very much.

Hon. Mr. Welch: Mr. Speaker, if you would allow just a few moments, we on this side of the House would like to be associated with the tribute which you have paid to the hon. member for Northumberland. We in caucus have welcomed him back to a more active role in the affairs of our caucus, and we want to underline, and indeed echo, the very generous remarks which you have made in a very fitting way to the role of the Speaker and the way in which it was discharged by the hon. member for Northumberland, indeed with dignity and with patience and with fairness. I might be allowed this even, that it was perhaps appropriate that one of his final acts, as he shared in the hosting of the parliamentary conference to which you've made reference, was that he would be in that great riding of Brock and that we would have some recognition there with respect to the historic matters to which you have made reference.

We pay tribute to a public servant who has recognized the very important role of Speaker in our system, and I agree with you most wholeheartedly a very important position indeed. We will, I'm sure, look forward to the opportunity of working together to continue to accomplish the goals of which you have reminded us.

We say quite simply, thank you, to the hon. member for Northumberland, and welcome back to a more active involvement in the affairs of that group, Mr. Speaker, to your right.

Mr. S. Smith: Mr. Speaker, I wish also to associate myself and the members of our party with the comments made by yourself, sir, and by the government House leader, in

thanking the hon. member for Northumberland for the service he has given, not only to this House—and I think he knows that most of us are well aware of the strains, on one's health and one's time and one's family, that the job of Speaker involved—I say not only to this House because I truly believe, and I say this sincerely, that the member has devoted himself to the whole process of democracy.

I worked for some time, Mr. Speaker, as an assistant to a federal Speaker, the Hon. Alan MacNaughton, and I know the kinds of strains and the kinds of turmoil which Speakers work under. If anything this House is perhaps even more difficult from time to time, perish the thought. I just want to say, in all sincerity, Mr. Speaker, that the hon. member for Northumberland has conducted himself with dignity, with grace, and has been a credit to the democratic system and we thank him.

Mr. Lewis: Mr. Speaker, before the member for Northumberland rises, as he probably will want to, to reflect, I hope not with anguish, on his years as Speaker in this Legislature, let me say to you, Russell Rowe, that we share the immense affection that all of your colleagues in this House have for you, the respect for the very difficult job you did. It was an awkward one; there were moments when this House was terribly tempestuous and turbulent, by no means the fault of the Speaker.

As I watched the federal House of Commons on parade yesterday in question period on television, I thought to myself with what dignity, decorum, excellence, wit and propriety we conduct ourselves by comparison. That is surely a tribute to you, and we wish you well in all future endeavours.

Mr. Breithaupt: Mr. Speaker, I too am pleased to make a few comments with respect to the work which Mr. Speaker Rowe has done, and indeed, his task as Speaker in this House was made obviously much more difficult by the events that brought minority government to the people of Ontario. He has served as Speaker through three Parliaments—the 29th, 30th and 31st. Even though the length of each of those and the time of his service has been comparatively brief with respect to the three years, I think the responsibilities and the involvements have crowded in on him more so than on any Speaker in the history of Ontario.

I have particularly known Mr. Speaker Rowe while being House leader for my party and being our representative on the Board of Internal Economy, of which he was the

chairman. Certainly as chairman, the leadership which he has given in the past several years has substantially changed the operation of this Legislature and of the attendant organizations, the funds for which we are responsible on the Board of Internal Economy.

His interest in the Commonwealth Parliamentary Association has been referred to and it has certainly been one that has brought much honour to him and much pleasure as well.

He now leaves the Speakership to devote somewhat more time to the duties of his constituency and to his family, and I certainly give him my best wishes and echo the comments made by the other members who have spoken so far for the future, and thank him for the services which he has given to all of us.

Hon. Mr. Welch: Mr. Speaker, if I might be allowed a postscript to my remarks, I think it would be a serious oversight on our part if we didn't recognize that included in the responsibilities of the Speaker are very heavy social responsibilities as well. Mr. Speaker Rowe has been assisted in such an admirable way by a very charming lady, obviously Mrs. Rowe, we'd want the record to show our appreciation to Marjorie Rowe as well, a gracious lady who has in fact assisted so well in those responsibilities.

Mr. Rowe: Mr. Speaker, if I may be permitted a word or two. May I say first of all that in my modesty I'm embarrassed with all the kind remarks which I hear here this afternoon. I do appreciate them, I appreciate the letters, the many letters which I've received from the individual members of the assembly here as well.

First of all, Mr. Speaker, I would like to congratulate you on your taking over this particular office. It's a very onerous office. It's a very important office. I know your ability, so I know that you will be carrying out your duties to a very excellent high standard.

The member for Scarborough West mentioned the goings on in the House of Commons yesterday. I saw that too, you see, I wasn't here; and I had somewhat the same thought.

I think one of my aims, of course, as well as conducting the affairs of the business in as orderly a fashion as possible, was to get all the members together as much as possible to get rid, somewhat, of some of the adversary aspects of our parliamentary life. You know, especially right after an election, when everybody's all steamed up with telling them what good guys they are and the party they represent and so on, they come in here and

they think all those people over there are bad guys.

Mr. Lewis: You know better, don't you? [2:15]

Mr. Rowe: I really should be over there motioning this way too.

Anyway, I tried to get you around my dinner table and at other events to get acquainted on a more personal relationship. I hope that has been somewhat successful in that respect.

I have many pleasant memories, of course, from my years in the Speaker's chair, not only those which emanate from this House but also, as was mentioned by one of the speakers this afternoon, the many, many social events which one is called upon to attend or to host. We have many mementoes and many pleasant memories from that.

I might just say before sitting down that this is really the first time I ever sat, in my 14 years, on the right side of the House. For you newcomers over there, I've always sat over there or else up there.

Mr. Nixon: We'll try to fix that.

Mr. Rowe: It sure looks different, fellows, I'll tell you.

Mr. Bounsall: It looks better, eh?

Mr. Conway: But don't read Marvin's notebook.

Mr. Rowe: Thank you very much, all you people, for your kind expressions. I do appreciate them and I know that I'll carry the message home to my wife, as well, from the member for Brock. Thank you again.

Mr. Speaker: Just before proceeding to ministerial statements, I would be remiss if I did not make mention of the excellent and very significant contribution to this Legislature and its committees by the hon. member for Simcoe East (Mr. G. E. Smith), who was the former deputy chairman of the committee of the whole House. I personally enjoyed working with him very, very much. We had an excellent working arrangement. We had an excellent understanding. As a matter of fact, while we share the responsibility of chairmanship for committees, I don't think we ever voted once. I think we had a perfect understanding in our working relationship and our responsibilities to the House, and I would just like to say personally, thank you very, very much for the assistance and the encouragement given to me by the hon. member for Simcoe East.

STATEMENTS BY THE MINISTRY

PUBLIC HEALTH REPORT

Hon. Mr. Timbrell: For some time, Mr. Speaker, my ministry has been becoming increasingly aware of the need for more extensive and effective programs to promote improved health and to prevent disease.

To this end, we commissioned a review of public health services in Ontario by the Canadian Public Health Association which I have tabled today. Their work was significantly aided by an advisory committee representing not only major elements from the public health sector, but such bodies as the Ontario Hospital Association, the Ontario Medical Association and the Association of Ontario Boards of Health. Consultation was wide, and the report—entitled "Ontario Public Health—1977—Some Current Issues"—is the result of the process of discussion.

The report is in two parts. The first outlines perceptions of the existing Ontario public health system, examined from within and outside the system. The second part comprises recommended policy adjustments for the health services field in Ontario, with special reference to the public health system and policy decisions within that system.

Many of the recommendations are directed to various parts of the field—the ministry, educators, boards of health. For instance, the report alleges, and I quote, "inability of local official health agencies to meet local needs and to prioritize clearly their activities." This is an area where we will have to really examine the relationship of the ministry with these bodies, and the role of municipal government in this field.

The ministry will be examining all the issues raised in considerable detail, and will be looking for input from professionals and professional associations, municipal governments and all others involved. As a result, next spring I will be in a position to declare policy decisions resulting from that examination.

Mr. Lewis: Who drafted that with all those split infinitives?

Hon. Mr. Timbrell: Some of the recommendations have already begun to be implemented such as updating the immunization policy for the province, thoroughly evaluating health promotion activities in Ontario, improving the delivery and support of genetic services, major initiatives and support for family planning, and continuing expansion of our well-received home care program.

I think it is important to note that the report is not designed as a fully developed

plan for the future of public health in Ontario. Its value lies in the wide consultation and discussion that preceded its preparation and which will be continued as public health programs are further developed and refined in Ontario.

Mr. Lewis: That is why you need the three Rs—because of writing like that.

HEALTH AND SAFETY LEGISLATION

Hon. B. Stephenson: Mr. Speaker, members will recall that in December 1976, the Employees' Health and Safety Act, 1976, or Bill 139, was enacted. That Act reflects the commitment of this government to the two central themes of the Ham commission report—first, the need for greater openness and greater employee participation in matters of health and safety, and second, the development of dual responsibility on the part of labour and management in the identifying, controlling and eliminating of occupational hazards.

At the appropriate time today I shall introduce for first reading legislation which both carries forward that basic commitment and as well fulfils the further commitment I made at that time to create a comprehensive omnibus Act which would consolidate all existing occupational health and safety legislation.

This bill, the Occupational Health and Safety Act, 1977, combines and reconciles the provisions of the Industrial Safety Act, the Construction Safety Act, part IX of the Mining Act, the Silicosis Act and Bill 139.

The bill has been drafted following upon: first, intensive examination of those statutes by officials within my ministry; second, careful study of the report and the recommendations of several commissions—one in our own jurisdiction, namely the Ham report, and those in other jurisdictions, for example, Alberta's Gale report and the United Kingdom's Roben's report; and third, through extensive consultation with employer and employee groups throughout the entire province, many of whom submitted briefs on the many issues addressed within the legislation.

Copies of this non-legislative background material have been compiled in a compendium which will be tabled with the bill. While I should be delighted to bring the compendium with us to the House, I have to tell you that the amount of material fills, for each copy of the compendium, five boxes. It was my concern that I would not be able to see the faces of the hon. members for Hamilton West and Scarborough West behind those boxes when the compendium was tabled.

As members know, responsibility for all occupational health and safety legislation has, for approximately one year now, resided within the Ministry of Labour. The creation of the occupational health and safety division within the ministry under the direction of an assistant deputy minister, has provided the structure necessary to implement the comprehensive statute which will shortly be before this House.

Now that the process of integration has been completed, with the passage of this legislation, I am confident that we shall have significantly increased our ability and our capacity to deal effectively with matters of health and safety in the workplace to an extent not hitherto possible.

I should point out that the bill which I shall introduce deals with substantive matters of considerable import. Of course, as with any attempt to consolidate and reconcile long-standing legislation enacted at various times and directed at diverse and particular segments of industry, this bill contains certain structural and formal changes distinct from its antecedents, which are necessary to ensure its effectiveness.

With the particulars of those matters I shall not burden the members at this time. There are, however, three major areas in which the bill contains new initiatives to which I would direct the attention of the members, for these embody the commitment to occupational health and safety to which I referred earlier. Briefly the areas are: 1. The comprehensive treatment of dangerous substances; 2. The clarification of the right to refuse to perform unsafe work; 3. The coverage of the new legislation.

Under current legislation, general provisions require employers to maintain safe and healthy workplaces for their employees. These provisions were enacted at a time when the health hazards of many biological, chemical and physical agents and processes present in the workplaces were but imperfectly understood. As the result, few specific regulations regarding these hazards are to be found in present statutes.

In a significant departure from this legislative past, this bill provides a twofold mechanism to ensure strict control of the use of such agents and such processes in the workplace.

First, with respect to certain designated dangerous substances, standards will be enacted by regulation which will govern the exposure to and the handling of such substances by workers. These regulations will include detailed compliance programs enabling

employers and employees to ensure that the standards are in fact being met.

Employers will be required to maintain detailed records relating to worker exposure to and handling of such designated substances and their use and storage. Further, with respect to such designated substances, some employers may be required to establish occupational health services where such is deemed necessary.

The designation of dangerous substances will be an ongoing and continuous process, reflecting the dynamic and progressively advancing field of occupational health sciences.

Secondly, the bill will provide for the enactment of guidelines for the use and control of other dangerous substances for which satisfactory evidence is still not available in order to enable designation—that is, the introduction of absolute standards and the concomitant compliance programs to which I referred. The bulk of dangerous substances at present used in industry in this province falls into this broad category. However, the general provisions of the bill will ensure adequate protection of the worker by regulating his exposure to and his handling of all such substances.

Apart from designation, there is now a mechanism which will enable the development of acceptable and absolute standards governing such dangerous substances. Where the guidelines introduced by regulation and enforced by the ministry are challenged, the matter may be referred to an independent third party empowered to make a finding as to an acceptable standard governing the dangerous substance at issue. Thus, the spirit of co-operative and dual responsibility to which the government is committed will find expression as well in the development of standards to govern the workplace.

At the beginning of my remarks I referred to Bill 139, in which a remedy was provided for those employees disciplined as a result of exercising the right to refuse unsafe work—namely, the right to refer the matter either to an arbitrator or to the Ontario Labour Relations Board.

My ministry is cognizant of the criticisms which have been directed towards Bill 139 in this regard—and again, I refer the members to the many submissions made to the ministry which will be tabled with the compendium. In response to that criticism—that the right to refuse was not clearly defined as an integral component of the dual responsibility system enunciated in the Ham report—the new bill clarifies that right.

As newly drafted, it is clear that the right is to be exercised where the health and safety

of the worker is at stake, and is not to be undertaken frivolously. The rights and obligations of employees and employers in the event of the exercise of the right of refusal are spelled out now in some detail. It is my opinion that this clarification of the right to refuse will ensure that it continues to be a practical element in the overall health and safety program provided for in this bill.

With respect to the coverage of the bill, members are aware that certain categories of employees in this province are not covered by present legislation. While immediate expansion of coverage would appear to be desirable, dispassionate consideration has convinced the government that such expansion would be inappropriate at this time. Rather, the bill provides for the eventual and incremental expansion of coverage by regulation to those workers in Ontario not currently covered.

This mechanism will permit careful, deliberate and sustained consultation with affected employers and employees to take place so that the necessary complex of regulations may be drafted which will give meaning and effectiveness to any expansion of coverage, a consultation process similar to that undertaken by the Mining Act revision committee, commonly known as the Barrett committee, in the mining industry—which I would remind the members has been under way for some 18 months and is still ongoing.

In conclusion, as I have stated both in this House and elsewhere, the government is determined to provide exemplary legislation which will most effectively protect the health and the safety of the Ontario worker. Both industry and labour are committed—and deeply so—to this goal. This legislation ensures the achievement of that common objective.

ORAL QUESTIONS

BRUCE NUCLEAR PLANT

Mr. S. Smith: A question for the Minister of Energy: Will he now tell the House what steps he has personally taken to investigate the massive cost increases and low productivity at the Bruce heavy water site, and can he assure us that the situation there is now under control?

[2:30]

Hon. J. A. Taylor: Mr. Speaker, there was a meeting of the board of directors of Hydro yesterday in connection with that particular job. The work on the D plant is substantially completed in terms of engineering and construction, and the Lummus Corporation will be completing that work. Hydro is satisfied that it is in the best interests of Hydro and the people that Lummus complete that work.

In connection with the D plant, the board of directors of Hydro have reviewed that as well. It has decided to take over the construction of the D plant on August 1, if the Lummus Corporation has not made satisfactory progress at that time. So, this matter has been, and is, under constant and continual review by the board of directors and Hydro staff.

I may say that the chairman of the Hydro board has been in touch with me in the past, as he is at present, and has been in touch with the hon. member.

Mr. Conway: As if that would do any good.

Hon. J. A. Taylor: The member has a copy of that contract. He has been corresponding with the chairman of Hydro. He has met with the chairman of Hydro, and I'm sure that—

Mr. S. Smith: I know what I have been doing but what has the minister personally been doing?

Mr. Foulds: Or even impersonally.

Hon. J. A. Taylor: —he has had every co-operation possible from Hydro to keep him abreast of those developments. I think it's been explained to him what the initial estimated cost was, what the proposed completion cost is and the reasons for the difference.

Mr. S. Smith: Supplementary: The chairman of Hydro indicated, not only to me but to the minister—to his surprise—and in his July press conference to the rest of Ontario, that the Lummus portion of the Bruce heavy water project plants B and D had gone from a \$742 million estimate in 1975 to \$899 million in 1977, and he also indicated at that time that the total cost of the project—

Mr. Yakabuski: Inflation.

Mr. S. Smith: —had gone from \$900 million to \$1.3 billion. Would the minister not agree that the non-Lummus portion, the portion of that contract which does not involve Lummus, has increased from \$158 million to \$401 million? What accounts for that increase?

Hon. J. A. Taylor: I would agree. Basically, the total cost of the project was about \$1 billion and it has been estimated that the completion cost will be about \$1.3 billion.

The increase in the Hydro portion of that contract is roughly equivalent, as the member knows—and I'm sure the member knows all this or he wouldn't be asking it—

Mr. S. Smith: I appreciate the vote of confidence.

Mr. Warner: You're giving him too much credit.

Hon. J. A. Taylor: —the Hydro portion of the job is estimated to increase by about

\$157 million. A lot of that has to do with projections of additional borrowing costs—

Mr. Conway: Read your notes carefully, Jimmy.

Hon. J. A. Taylor: —and capital investment on that plant. If the member wants additional information on that, I'd be happy—and I'm sure he will be meeting again with the chairman or getting additional information—to cover that aspect of those breakdowns and additional interest payments which are higher, of course, because of the long period of construction.

But a lot of it has to do with financing costs. The member knows very well that probably between 75 and 80 per cent of Hydro's capital costs for construction is borrowed money.

Mr. S. Smith: By way of further supplementary on this very point, Mr. Speaker, do I understand the minister to say that the Hydro portion, the non-Lummus portion which was originally budgeted at \$158 million, is now over budget by \$157 million—virtually a 100 per cent increase in the Hydro portion. Even the Lummus portion isn't 100 per cent over what it was originally. How does he explain that increase in the non-Lummus portion?

Hon. J. A. Taylor: I didn't say that, Mr. Speaker.

Mr. Kerrio: Say it, say it.

Hon. J. A. Taylor: What I indicated and explained was the total increase on the overall job. What I said was that the portion of the job that was to be completed by Hydro has increased in dollar terms by about the same amount as the Lummus increase—

Mr. Wildman: Tory economics.

Hon. J. A. Taylor: —and that was \$157 million. It's my understanding that most of that increase is due to the financial costs. There was a delay in terms of completing the work—

Mr. Wildman: That is a hell of a restraint program you have.

Hon. J. A. Taylor: —that is, there was a postponement of the work, as members very well know, and I think as the select committee which reviewed these matters knows—and additional financing costs over the years.

Mr. Lewis: By way of a supplementary, might I come at this in a slightly different way? Can I ask how the minister can continue to have confidence in the management of Hydro, given the remarkable escalation in costs which he himself has now confirmed, but even more important, given the assurances that were extended to members of the Legislature by the chairman of Hydro in July 1977,

and now we learn from the minister this afternoon that Hydro may drop the guillotine and take over the construction of the Lummus portion itself in August 1978? Doesn't that suggest faulty and inexcusable management practices on Hydro's part?

Hon. J. A. Taylor: No, I don't think that necessarily follows.

Mr. Warner: Stop there. Stop there.

Hon. J. A. Taylor: I am no apologist for escalating costs or Ontario Hydro.

Mr. Lewis: Management, management?

Hon. J. A. Taylor: What I am simply pointing out is that costs have, in fact, escalated.

Mr. Lewis: What about management?

Mr. Speaker: Order. Do you want an answer or don't you?

Mr. Lewis: I do.

Mr. Speaker: Then be courteous enough to listen to what the minister has to say.

Hon. J. A. Taylor: What the member is saying is that presumably every project in this country that is over budget is as a result of poor management.

Mr. Breithaupt: By 100 per cent?

Hon. J. A. Taylor: If that is so, then presumably one would fire the board of directors of Stelco in connection with that company's costs that have doubled.

Mr. Makarchuk: Put Bob Mackenzie in the job.

Hon. J. A. Taylor: Let the record show that the NDP is in favour of disbanding the board of directors of Stelco. It's the same thing with the new Texaco plant, the costs have doubled. Look at what has happened to the Syncrude plant.

Mr. Lewis: Come on. What about Hydro?

Mr. Reid: It's the Treasurer's (Mr. McKeough) budget.

Mr. Peterson: Has the Treasurer been helping you with this?

Mr. Speaker: Order, please. This is getting into a debate.

Hon. J. A. Taylor: All I am doing is pointing out how foolish it is to conclude that because costs escalate it is mismanagement on the part of the board of directors. What I am saying is that is not so at all.

Mr. Sargent: Now we understand it.

Mr. Samis: Isn't anybody to blame?

Hon. J. A. Taylor: Costs right across this country have been escalating. There's no question about that. We are concerned—I am sure all of us are concerned in terms of productivity, Mr. Speaker. We have heard a lot about that.

Mr. Samis: Isn't anybody to blame?

Hon. J. A. Taylor: We are very concerned in terms of inflation.

Mr. Speaker: That is not relevant to the question. We will get along with the second question of the member for Hamilton West.

Mr. S. Smith: Mr. Speaker, could I ask one more supplementary on this?

Mr. Speaker: No, that is all the supplementaries on this. We have spent nine minutes on this first question.

Mr. S. Smith: There was only one supplementary.

Mr. Kerrio: It is a very important question. You're hiding behind the Speaker. Webster said it this morning; that is how you are going to get off the hook.

Mr. Speaker: We have spent nine minutes on this first question.

Mr. Yakabuski: Let's find out about the sagging Trudeau dollar.

JOB CREATION

Mr. S. Smith: A question of the Premier, Mr. Speaker, if I can possibly intervene for a moment for his attention: Why has the Premier still not initiated serious negotiations with Ottawa to ensure that if the federal treasury were to benefit in the form of reduced unemployment insurance payments as a result of provincial job-creation programs, these benefits would accrue, at least in part, to the provinces? Why has he not undertaken that form of negotiation?

Hon. Mr. McKeough: Chretien says no new budget.

Mr. Conway: What was that, Darcy? The Treasurer is making more sense with his mumbling.

Hon. Mr. Davis: I will be very careful, in the spirit of the House, Mr. Speaker. I find it a very intriguing suggestion from the Leader of the Opposition that the Unemployment Insurance Commission, which is a form of insurance paid into by a lot of workers in this province—

Mr. S. Smith: I said the federal treasury benefits.

Hon. Mr. Davis: —that the provinces would be getting some rebate as it relates to some impact that a provincial job-creation program might have on that particular fund.

Mr. S. Smith: The federal treasury, not that fund.

Hon. Mr. Davis: I would say, with respect, Mr. Speaker, we are looking for ways and means to find moneys from the government of

Canada from time to time. I must say to the Leader of the Opposition that I would be less than hopeful that the new Minister of Finance would see it clear to enter this sort of shared-cost arrangement.

As I say, it is an interesting suggestion, but I for one would not be optimistic that Mr. Chretien would accede to this sort of request.

Mr. S. Smith: By way of supplementary, since the question originally dealt not with the fund itself but with the federal treasury itself, which would undoubtedly benefit since it is now paying for a good portion of what the unemployed receive, I still have not heard from the Premier, and I ask him to consider from the following point of view, why he has not already sought that precise remedy so that we could have in this province a job incentive program of the kind that President Carter has spoken of, that we have spoken of and that this government itself started as a summertime project for 16 weeks in order to actually intervene to support and subsidize wages for newly created jobs?

Hon. Mr. Davis: We are really quite enthusiastic about the response we had. In that that was part of the Leader of the Opposition's question with respect to the summer employment program, I think it was singularly successful in terms of the role that it played for the summer months.

Mr. Sargent: That was election stuff.

Hon. Mr. Davis: I am quite aware of the suggestion of the Leader of the Opposition that a somewhat similar program that he has suggested be extended on a much broader basis across the province at a cost that one can guesstimate would be many millions of dollars.

Mr. S. Smith: Recoverable from unemployment insurance.

Hon. Mr. Davis: With great respect, it doesn't matter where you recover it from, it is coming from the economy somewhere. It's coming from the taxpayers somewhere.

Mr. Peterson: You are asking for help with sales tax.

Hon. Mr. Davis: To develop a specious argument that because there may be fewer dollars—

Mr. Speaker: Order, please. This is not a debating period, it's a question period.

Hon. Mr. Davis: —spent through the unemployment insurance, whether it comes directly from the fund or the government of Canada, really isn't in itself a solution to the problem. I would say with respect to the Leader of the Opposition that perhaps

a more realistic approach is to recognize that part of the problem we face in this province and in this country is not a question of further subsidization of industry but a recognition that our industry has to become more productive. It has to become more competitive and it has to become more efficient, if we are going to compete in the international marketplaces of the world. It's as simple as that.

Mr. S. Smith: By way of supplementary, since the Premier realizes that it's a long-term goal—and I agree with his latter remarks—could he explain to this House, please, the meaning of his comments, when he suggests that if money presently being paid in unemployment insurance were paid instead to the people in order to have them do work, that would somehow or other still be a drain on the economy rather than a useful enterprise to be undertaken at a time when unemployment is so high?

Hon. Mr. Davis: I will try to explain it to the hon. member, if I can. What I was trying to say is—and I'll try to phrase it in a language that both of us will understand—

Mr. Foulds: Try English.

Hon. Mr. Davis: —my recollection is that the government of Canada—and I am the last one to defend it at this moment—isn't operating from a significant budgetary surplus. The last figures I read indicate that they too are operating in a slight deficit position. As a result, any such alteration in their policy would have to be part, I think, of perhaps a new budget.

Mr. Roy: That is called a net cash requirement.

Hon. Mr. Davis: Mr. Chretien says there will be no budget and, as a result, to say there are funds there that might or might not be available is dealing in a hypothetical situation that just doesn't exist.

Mr. Peterson: Supplementary: I would be curious to see how the Premier reconciles that position with the Treasurer's approach of asking the federal government to come across with some \$800 million for assistance with sales tax. Their views are totally different in this issue.

Mr. Breugh: That is called sucking and whistling at the same time.

Hon. Mr. Davis: I can recall, not exactly what the Treasurer said, but I can recall—

Mr. Mancini: Ask him.

Hon. Mr. Davis: —what the Premiers said. I think all of the Premiers had some observations in St. Andrews by the sea.

Mr. Conway: Who is the Premier over there?

Hon. Mr. Davis: I know who the Premier is. We some days wonder over there just who the newest aspirant for leadership over there is.

Mr. Speaker: That's wasting the time of the question period.

Hon. Mr. Davis: I would say to the member for Renfrew North that he really shouldn't be too optimistic. I don't see it in the foreseeable future. I don't even see it in the fullness of time.

Mr. Conway: Did you not hear the Speaker?

Mr. Speaker: That wasn't part of the original question.

Hon. Mr. Davis: In fact, I don't even see it. Where did I leave off?

Mr. Conway: After June 9 your vision is surely suspect.
[2:45]

Hon. Mr. Davis: Where the Premiers in their sort of joint communique to the Prime Minister suggested that if the government of Canada in its wisdom felt there was a need to provide stimulation to the economy, one area that we suggested was in the situation of the federal sales tax—this to be consistent with a policy of stimulation. I think that is really quite consistent with the approach that I have tried to explain to the member's colleague and his leader.

Mr. S. Smith: Does the Premier not agree that it is better to receive the same dollars for actually doing work than merely for receiving unemployment insurance benefits? Isn't that the difference?

Mr. Speaker: Order, please. The question has already been asked and an answer has been given.

Mr. Kerrio: There was a question but no answer.

BRUCE NUCLEAR PLANT

Mr. Lewis: Mr. Speaker, I would like to return to the original question today, because there was part of the minister's statement which intrigued me. What new details have emerged about unit D at Bruce which would require the unprecedented declaration by Hydro that they will kick Lummus off the construction site and take it over themselves? What has happened, even in the last few days, that has brought them to that pass?

Hon. J. A. Taylor: Mr. Speaker, I don't think that anything dramatic has happened in the last few days.

Mr. MacDonald: Drama is extended.

Hon. J. A. Taylor: What I was saying is that there was a board meeting yesterday of the directors of Ontario Hydro.

Mr. Lewis: Was the minister in attendance?

Hon. J. A. Taylor: I was in the House yesterday. As the member knows, Ontario Hydro have given Lummus until November 1, which is not too distant, to put their schedule in order in terms of completion of the work. That is to ensure that they're on stream. That was reassessed yesterday—and may I say that my information was over the telephone. I haven't had a formal communication from Hydro yet; it was just late yesterday that I learned in a general way the gist of their deliberations.

What I explained is what happened in terms of a certain unit, B. In terms of unit D, there may be some further conditions or something of some substance that may be of assistance to the member. When I get the complete decision on that, I'll be happy to share it with the members of the House so that they can appreciate the thought process that prompted Hydro to set a new date of August 1, in terms of Hydro completing that work, if they weren't satisfied with the Lummus Corporation.

Mr. Wildman: Are you sure it's August or is it December?

Mr. Lewis: May I ask very quickly, Mr. Speaker, has the minister thought of himself and some senior members of his ministry sitting down with the board of Ontario Hydro at this point to examine what is occurring over the next several months, given the apparent incapacity of Ontario Hydro, on this front as so many others, to operate effectively in the public interest?

Hon. J. A. Taylor: Mr. Speaker, I just don't accept the member's assessment of the board of directors and the staff of Ontario Hydro as being incompetent.

Mr. Lewis: I didn't say incompetent; I am talking about this issue.

Hon. J. A. Taylor: The member said incapacity. If they are not capable, if they don't have the capacity, I would assume that it logically follows that they are probably incompetent to carry on.

Mr. Lewis: That is right, something is wrong.

Hon. J. A. Taylor: Frankly, I'm not accepting that proposition and knowing of course of the expertise, the technical people who are employed by Hydro in all fields, including the legal field, I would think the

board of directors who are charged with the management of that corporation should be sufficiently advised by that expertise to come to a proper determination in terms of problems they meet from day to day.

So I have confidence in that, and unlike some members here I don't feel that I can add in a technical sense to the judgement of Hydro's advisers in terms of the course of action that they should take in the interpretation of legal documents and the completion of a very technical project.

As the member knows, a heavy water plant isn't something that one picks off the shelf and says, "Here, build one of these things." We're on the frontier of new technology and there are very few people in the world who can construct that kind of a plant, engineer and construct it. It's easy for us to become instant experts in various fields—

Mr. Foulds: Except you.

Hon. J. A. Taylor: —whether in terms of engineering or law—

Mr. Samis: You are getting silly now.

Hon. J. A. Taylor: —but I think that we have to be guided by that area of expertise that the Ontario Hydro has.

Mr. S. Smith: Supplementary, Mr. Speaker?

Mr. Speaker: I'm going to allow one final supplementary, and that's by the member for Niagara Falls. This is an extension of the original question which took nine minutes. We're now six minutes into what is really a supplementary.

Mr. Kerrio: Thank you, Mr. Speaker. The question I have to raise with the minister is that it's my understanding that Hydro has an agreement with the same employees who are now working with or for Lummus. Is the minister suggesting that he's going to take the same people on to his payroll, which is a question being raised in another matter with the Minister of Labour, excluding Hydro? Is he suggesting to me that he is going to take on the same people after the loss he's shown on his part of the project with the same people? Aren't we just then talking management?

Mr. Swart: Blame the workers.

Hon. J. A. Taylor: Contrary to the views of the hon. member's leader, apparently, and his party, I don't see the benefit of firing the employees—there may be 3,400 employees on that site—just because the member happens to say that the job isn't progressing.

Mr. Nixon: Nobody wants to fire them.

Mr. S. Smith: Nobody suggested any such thing.

Mr. Nixon: Maybe the minister should be fired.

Mr. Conway: We just want the minister fired.

Mr. Speaker: Order, please.

Hon. J. A. Taylor: The board of directors of Ontario Hydro, as I've mentioned—and this will be the third time—have decided to go ahead with the completion of the work, full completion of unit B. Those are employees of the Lummus company.

Mr. Wildman: The minister is a nuclear disaster.

Hon. J. A. Taylor: If the hon. member is suggesting to me that simultaneously they are employees of Ontario Hydro, then I think he is sadly mistaken. And frankly I can't see—

Mr. Kerrio: The minister is going to fire Lummus and hire them himself.

Hon. J. A. Taylor: And if the member is suggesting that Ontario Hydro turf out those employees and then go along and try to put together another work force, then I think that's ludicrous.

Mr. Gaunt: We are not suggesting that at all.

Mr. Peterson: Go powder the top of your head.

RADIATION LEVELS

Mr. Lewis: A question for the Minister of Labour, timed, I guess, to coincide with her announcement of the legislation today.

Did the minister know that at a recent conference the gentleman who did the statistical analysis for the Ham commission on radiation exposure in Elliot Lake further reviewed his figures and came to the conclusion—and I'll quote it:

"On this basis I would like to assert that if there exists a threshold for production of lung cancer by exposure to radon, it has to be below 60 working-level months."

Does the minister realize that this level is roughly less than one-half of the present standards which we are using to evaluate for compensation purposes, and what steps can be taken to act on this kind of information?

Hon. B. Stephenson: Mr. Speaker, I'm very much aware that Dr. Hewitt has made that statement. It is an upgrading of the level which he had suggested earlier by about something like 10 times, as a matter of fact.

Mr. Lewis: Six. That was an error.

Hon. B. Stephenson: Yes.

Mr. Lewis: So he said.

Hon. B. Stephenson: I am also aware that there are a number of epidemiological experts in various parts of North America who are presently re-reviewing Dr. Hewitt's analysis of the figures which he developed for the Ham commission report and whose suggestions are that indeed Dr. Hewitt is somewhat in error again and that perhaps there are some more rational figures which they would be able to develop.

I am awaiting the results of those analyses because I know of two sources from which they are coming. As well, we are hoping to conduct a further review of these in order to establish some rational basis for the decision about the number of working-level months.

Mr. Lewis: By way of supplementary, since so much of this ministry's legislation is flowing from the Ham commission report and the evident integrity of that document, therefore, and since several hundred workers or more would clearly be at risk if Dr. Hewitt's projections are valid, can the minister tell us the sources for the review to which she is turning and when they will be available?

Hon. B. Stephenson: Offhand, I can't remember all of the names of the people who are involved but I shall get that information and present it to the members of the House.

COURT FACILITIES

Mr. Roy: Mr. Speaker, my question is to the Attorney General: Having raised this matter with him and with his predecessors over the last five years, I just wonder how much longer the Attorney General is going to tolerate the deterioration of the administration, which is leading to a breakdown of the administration of justice in Ottawa, by the fact there are now delays for trial dates of eight or nine months for provincial court trials? I wonder if he is prepared to tolerate the situation where accused persons do, in fact, have to plead guilty to offences to which they want to plead not guilty because they have to wait seven or eight months in jail?

How long is he going to tolerate situations where Supreme Court judges are having to release an accused who should be in custody but are releasing him on bail because he has to wait seven or eight months for his trial? How long is he going to tolerate the situation where the process of witnesses, and so forth, is really breaking down? When are we going to have additional judges? When are we going to have adequate court space?

Hon. Mr. McMurtry: Mr. Speaker, I think one of my colleagues has pointed out that there are approximately seven questions in-

cluded in the general concern expressed by the member for Ottawa East with respect to the administration of justice in Ottawa.

Mr. Sargent: We shouldn't have to ask.

Hon. Mr. McMurtry: If his colleague behind him will mind his manners for once we might attempt to deal with them.

Mr. Sargent: Get on with the question. You should be ashamed of yourself.

Hon. Mr. McMurtry: First of all, I have not hesitated to state that I regard the present court facilities in Ottawa as being quite unsatisfactory. As the member knows, the Ministry of Government Services has been attempting to locate 40,000 square feet of additional court space for the provincial criminal courts in Ottawa. Some considerable concern has been expressed by representatives of the local bar in respect—as I know the member for Ottawa East appreciates—to the location of this court facility. There was a location picked, for example, about 15 minutes—I'm told—from the downtown Ottawa area. You say 20 minutes?

Mr. Nixon: Are you still using the Holiday Inn? That is what the local bar is called.

Hon. Mr. McMurtry: Great concern has been expressed about the convenience, not only to members of the bar but to the public generally. I know the Ministry of Government Services is considering looking at other tenders in order to see whether a more convenient location cannot be provided because there's no question but that the provincial courts in particular are desperately in need of better court accommodation.

With respect to the backlogs, as the member for Ottawa East appreciates, there is a rather unusual situation with respect to the provincial court in Ottawa inasmuch as there is an unexpected shortage of two provincial court judges at the moment. These two judges are not sitting. They're still judges and their problems have not yet been resolved. In the interim, it's my intention to recommend, within the next few days, the appointment of an additional provincial court judge in Ottawa.

Mr. Roy: And don't ask Bob for advice.

Hon. Mr. McMurtry: With respect to the matter of the backlog, I've had officials of the ministry looking at the backlog. We are satisfied that the backlog is such that it is not critical. It is manageable, and has been created, to some extent, by the unexpected shortage of these two judges.

There was a great deal of media attention last week to the allegation that a local Ottawa lawyer advised his client to plead guilty rather than risk remaining in custody for some

time awaiting a trial date. I think it's unfortunate that any counsel would ever advise a client to plead guilty if he believes that a person is not, in law, guilty.

[3:00]

In that particular case it might have been helpful, firstly, if the counsel had sought a judicial review of the bail order of the provincial court—in other words, appeal the order of \$500 bail which was made because, apparently, the accused had a drinking problem and just forgot to attend in court. It certainly would have been open for the counsel in that case to have appealed that \$500 order to a county court judge to have it reviewed. This was not done. I think, and I am also advised, that there were no serious efforts made by counsel in communicating with the local Crown attorney to secure an earlier trial date.

I spoke to the Crown attorney in Ottawa as recently as yesterday about the matter. I have met with the chief judge of the provincial courts and he is establishing a special custody court, so-called, in the provincial court system in Ottawa to give priority to the trial of accused persons who are in custody because I share the concern of my friend, the member for Ottawa East, that the delay or undue delay of trial of persons held in custody is not something that should be tolerated.

I am satisfied that trials involving individuals in custody will be expedited. This is a matter that we are going to continue to look at very closely.

Mr. Roy: If I can raise a supplementary question to the minister's answer, first of all, does the Attorney General recall that we have discussed—and I am sure his predecessors may recall as well—this situation in Ottawa? We keep coming to it and he keeps referring back that it's manageable. Will he undertake at the present time to get adequate additional court space?

I put it to the Attorney General, does he know of any urban centres in this province where the provincial court system would be divided up in three areas? We have got right now 1 Nicholas, 2 Daly and 60 Waller. Now they want us out in a warehouse in the east end of the city. Does the Attorney General not feel that the bar association has a good point in saying we should try to centralize these court facilities?

Secondly, may I ask the Attorney General about the question of this counsel pleading or suggesting that the accused plead guilty? He states right in his letter that he discussed it with Crown counsel and that it was a

problem at that time as he had to wait seven months for a trial.

Finally, may I ask the Attorney General does he not feel somewhat embarrassed by the critical comments of the Chief Justice, Chief Judge or senior judges of the Supreme Court who come down to Ottawa and say that the court situation is absolutely atrocious?

Hon. Mr. McMurtry: I think I have already indicated my unhappiness with the present court situation in Ottawa. I have already indicated to the hon. member for Ottawa East the province's commitment to produce 40,000 additional square feet of court space in one location.

Mr. Warner: Whenever you find a place.

Hon. Mr. McMurtry: So the provincial courts will be centralized to that extent, and we certainly will attempt to do it in such a way as to avoid any unnecessary inconvenience. But I should at the same time remind the member for Ottawa East that there are other communities in the province where lawyers do not regard it as an unnecessary imposition or a particularly unfair imposition to have to—

Mr. Roy: Like where?

Hon. Mr. McMurtry: —travel 15 minutes from their home to court. We have to balance the public interest in securing court space at a reasonable cost with respect to the convenience of the lawyers who practise in these courts.

Ms. Gigantes: Supplementary: I would like to ask the Attorney General whether he remembers the letter he received two years ago from a member of the defence counsels' association in Ottawa outlining the same problem with the same results, that people were pleading guilty to charges where they should be pleading not guilty. Also, does the minister know how long it takes to get to the far east end of Ottawa? I represent an area in the far east end of Ottawa and, unless one is going along the Queensway in a car, it can take 45 minutes on the bus.

Mr. Speaker: The question has been asked.

Hon. Mr. McMurtry: I think I am being repetitive when I state we are not insensitive to the concerns of the Ottawa practising lawyers in relation to the location of this court.

Mr. Roy: It is not only lawyers.

Hon. Mr. McMurtry: There has been considerable consultation with representatives of the bar association as to where this court is going to be. We are quite prepared to take their concerns very seriously in so far as they are opposed to the location that was

selected by Government Services, and we are prepared to look for better locations. I have made that quite clear.

TEA AND COFFEE PRICING

Mr. Swart: Mr. Speaker, I guess I have the honour of asking the first question of the new Minister of Consumer and Commercial Relations. I will ask him if he will tell the House when he will complete the investigation and table the report on tea and coffee pricing. In view of the fact that most of the Canadian roasters are subsidiaries of United States corporations, will he assure us that his investigation will include the relation of the United States and the Canadian prices by these companies?

Mr. Ruston: Stand up taller now, Larry.

Hon. Mr. Grossman: I'm taller than the House leader.

Mr. Speaker: Can we have some order, please?

Hon. Mr. Grossman: The member for Welland-Thorold also had the honour of writing me my first letter. So I thank him on both accounts, depending on what happens.

First, I should point out that I will not be tabling a report in the assembly, or anything of that sort. As I think I made fairly clear—or tried to—I will be making public the responses I get from the wholesalers and retailers to whom I have written. That comprises seven or eight companies in total. When I get those responses I will be deciding what to do further. It could be that those responses will be self-explanatory; it could be they won't. If they are not, then I can assure the member that we will be furthering the investigation and asking more questions. That may well include, as he points out, some inquiries of American parent companies, if that's appropriate from the replies.

I should also say that we sent out the letters the Friday before the Thanksgiving weekend. I had my staff call last Wednesday and Thursday to see where the replies were, and it turned out that the companies had received those letters on Wednesday and Thursday of last week. So I would expect to hear from them by the end of this week or early next week, at which time I will show the member the communications and make them public. Then we will assess the situation and go from there.

Mr. Swart: A supplementary: In view of the wide contrast in the price of coffee—between Canada and the United States—wouldn't the minister think that a full investigation is warranted? Would it help him to

change his mind and decide that there should be an investigation into the contrast of these prices if I sent to him, across the floor, two four-ounce jars of Maxim coffee produced by General Foods—one bought in Etobicoke at the A&P at the price of \$3.79, the other one bought in the United States in Buffalo—

Mr. Speaker: Question.

Mr. Swart: —at a price of \$2.69.

Mr. Speaker: Do you have a question?

Mr. Swart: Yes, I do.

Mr. Speaker: Please put it.

Mr. Swart: Would the minister please note—

Mr. Yakabuski: What was the difference?

Mr. Swart: —that the label on both says, "Made in Canada."

Hon. Mr. Grossman: Over here.

Mr. Speaker: Please remove that coffee.

Hon. Mr. Grossman: I've already got the water, Mr. Speaker. This is really the first benefit of holding office I have received, and I thank the member for that. My wife asked me when she would be getting some coffee, inexpensively. I didn't think I would have it free.

Mr. Speaker: Will you please answer the question?

Hon. Mr. Grossman: I should point out to the member that from our information—and we are trying to get some more—and, indeed, from the member's information, we have so far been talking about the prices between Ontario and Buffalo and area, with no regard to Canada and all of the United States, which may in fact be a whole different subject and may alter what appears to be a problem on the face of it. We are looking for that, and if the member has any information with regard to coffee prices in the United States outside of Buffalo, it may be helpful.

I should also point out to the member when he talks about a full-scale investigation that his colleague from Etobicoke said on the radio the other day that he, too, was looking forward to the replies and wasn't, at that stage in any event, prepared to say there should be a full-scale investigation launched until we get the sort of information that I've asked for. I think that's the common-sense approach and will be followed.

Mr. Philip: Supplementary: Is the minister prepared to examine the differences in prices of tea that is blended and packaged in Canada?

Mr. Speaker: That's not a part of the original question.

Mr. Philip: The original question pertained to tea and coffee prices.

Hon. Mr. Grossman: Mr. Speaker, the answer is yes.

An hon. member: Save us some coffee.

TAX FORECASTS

Mr. Peterson: We need a little order, Mr. Speaker. I have a very important question of the Treasurer. Does his ministry do independent forecasting, its own forecasting, about the provincial take on income tax as well as mining tax?

Hon. Mr. McKeough: We do our own forecast of mining tax. We do not do a forecast on the income tax.

Mr. Peterson: Supplementary: Is the Treasurer saying that he always takes wholesale the federal figures with respect to his budgeting and he has no independent corroboration on what his take will be in terms of budgeting? He has no independent corroboration of that? Is that what he is saying?

Hon. B. Stephenson: They are your figures.

Mr. Roy: What are all these experts doing?

Mr. Speaker: The question has been answered.

LAYOFF OF NICKEL WORKERS

Mr. Laughren: A question to the Minister of Natural Resources: Is the minister aware that Falconbridge Nickel Mines has stated that by the end of 1978 it is the company's intention to reduce the work force by 800 employees, and is he aware as well that that comes in an area which already has the highest unemployment rate in Ontario? Northeastern Ontario is 9.5 per cent and Sudbury 9.3 per cent.

Is he willing to reassess the policies of his predecessor regarding exemptions to Falconbridge to ship their ores to Norway before processing is done, thus costing northeastern Ontario a great many jobs?

Hon. F. S. Miller: Mr. Speaker, I'm not aware of the change to 800. I'm aware of an increase in the 350 originally scheduled of the 4,000. There are very serious problems in the nickel industry and they are particularly difficult for Falconbridge Nickel, as I understand it.

Mr. Laughren: Mismanagement.

Hon. F. S. Miller: I'm not going to question the reasons at this point. I simply say they are of vital interest to all of us, because without a healthy market for the product of those two major companies in the member's area,

we can't help but have an increasing unemployment problem.

However, the market is very cyclical. It is just, if I recall, three years ago when the market for those two metals was hitting an all-time high. In fact, the revenues to this province were hitting an all-time high. One tends to think that a point in a cycle is not going to change. I'm optimistic enough to believe the markets will change.

This, however, will require our country and our province to assist the industries in whatever way to be competitive in what is now a world market, not a Canadian market. There was a time when the nickel from the member's city supplied 95 per cent of the free world market. What is it now—45 to 50 per cent? In fact, Cuba has twice the reserves of the province of Ontario.

I think we have to realize we don't have a corner on the marketplace. The product is sold in international markets, and unless we produce it at a profit and at a competitive price we will not have continuing jobs. It's my job to see that we do.

Mr. Laughren: Supplementary: In view of the fact that it's not just the nickel industry that's causing the unemployment rate in northeastern Ontario to be at 9.5 per cent, but it's the entire resource sector that's in trouble, will the minister convene a meeting with federal people, municipal people and provincial people to discuss the future of northeastern Ontario?

[3:15]

Would he also at the same time give special consideration to the comments of the Sudbury and District Chamber of Commerce in its document "Profile in Failure" in which they accused this government of neglecting all of northern Ontario?

Hon. F. S. Miller: Mr. Speaker, the voters of northeastern Ontario did not reject this government recently.

Mr. Wildman: They did in Sudbury.

Hon. Mr. Parrott: Remember June 9, fellows.

Hon. F. S. Miller: I would simply point out that we are very concerned, but we have to stick to those things the province is able to control. I believe the Treasurer and I had made arrangements not too long ago to speak to the Minister of Finance about some of these problems, then he was moved. I am sure we will continue to do our best to get to the new man.

Mr. S. Smith: I will undoubtedly be moved by this answer as well, Mr. Speaker. Can the minister tell us what things within the provin-

cial jurisdiction he is doing, as he just referred to, to assist the nickel industry? And in particular, has he heard of plans by Inco to lay off another 1,500 workers this Thursday?

Hon. F. S. Miller: I am keenly aware that the companies are having to adjust, as all manufacturing or extractive companies do, their production schedules to meet sales. I am also keenly aware that sales of nickel have been dropping and have been below forecast. At the beginning of the year, when I was made Minister of Natural Resources, both of those companies were reasonably optimistic that the year would show improved sales. Both of them, to give them credit, have been stockpiling metal at a time when they could have cut back on the work force. They believed that by stockpiling they could perhaps even out the cycles.

The last figure I had was that Inco had \$1 billion worth of stockpiled nickel. In the face of softening markets I would think it is probably inevitable that that company might have to curtail operations for a short time.

Now, what are we doing? The provincial jurisdiction covers things like mining tax—

Mr. Roy: You can't ask yourself a question.

Hon. F. S. Miller: —and what effect that has on the overall industry. In a time of low profits admittedly that doesn't have much effect. What it does do though is signal the way to the future. And I think it is safe to say that the mining tax is being looked at in an attempt, not to generate just more money for this government, but to maximize the investment potential and therefore the job potential for the people in the north.

Mr. Nixon: John White adjusted it last time.

NUCLEAR OPERATORS

Mr. Gaunt: Mr. Speaker, I have a question of the Minister of Colleges and Universities.

In view of the very high unemployment situation, particularly among young people, and in view of the fact that Ontario Hydro has recruited approximately 100 families from Great Britain and other countries these past two years, will the minister take steps immediately to stop this large-scale importation of out-of-country chemical nuclear operators by, one, convening a meeting between the ministry, Ontario Hydro and Canada Manpower, to determine accurately the manpower needs of the nuclear program in the next 10 years; and two, instituting a crash program to train chemical operators?

Mr. Roy: Good question. Just say yes and sit down.

Hon. Mr. Parrott: In reply to that question I should say to the member that we agree with the—I have forgotten the minister from the federal government who said immigration was not an acceptable procedure today in our climate for filling the job market needs of society.

Mr. Gaunt: That was Cullen.

Hon. Mr. Parrott: Cullen. The member is right. I am sorry, I had forgotten it. That is an obviously sensible statement that we agree with.

To change around in a very quick way the training program and to meet a need today requires a good deal of lead time. It is quite easy to suggest that we are prepared to do that, but I think history has shown that by the time one makes the changes necessary, the need has frequently changed and it is now in some other area.

An hon. member: Never stopped you before.

Hon. Mr. Parrott: So let us not oversimplify the ease with which we suggest we will instantly treat that problem.

Mr. Peterson: We need more teachers, that is what we need.

Hon. Mr. Parrott: It takes a good deal of lead time not only to set up the course, but indeed to train those people. We are talking about several years and that doesn't give us licence not to be concerned about it—not at all. I think that in the last year we have made a considerable effort through our Industrial Training Council to address that problem. We talked about it on many occasions and said that we are prepared to adjust our training schedules as we are best able to do so.

If the hon. member is asking whether or not I would take that to the Council of Regents and see that programs are put in place as soon as possible, the answer clearly is yes. At the same time, I would hope that he would accept that it will take a long period of time to train the personnel required today.

Mr. Gaunt: Supplementary: In view of the fact that the government was alerted to this problem some two years ago and did nothing about it—

Mr. Roy: Your lead time.

Mr. Gaunt: —which I would consider to be sufficient lead time, in view of the fact that Ontario Hydro is fully committed to the nuclear program, which indicates to me that there is going to be a need for chemical operators over the next 10, 15 or 20 years, and in view of the fact that Ontario Hydro

has indicated to me that if the government were serious about it and instituted a crash program these people could be trained in 18 months, would the minister consider that this is a very important problem and that such a meeting between the various bodies I mention initially should be instituted immediately and a crash program put into place in the next couple of months?

Mr. S. Smith: It really is right, you know.

Mr. Gaunt: Would the minister agree with that? And can it be done?

Hon. Mr. Parrott: I would agree to a meeting. I am not prepared to agree that it is that simple.

Mr. Roy: He is doing the minister's work for him.

Mr. Speaker: A final supplementary.

Mr. Conway: Supplementary: Given the fact that Ontario Hydro committed itself to a large-scale nuclear development about 15 years ago, and given the fact—and we recognize this—that we have potentially thousands of good, lucrative jobs for young Ontario graduates, I want to ask the minister whether or not over the past year, at least while he has been minister, Ontario Hydro has ever consulted him in a concrete way about a program that might be devised? Is the minister telling me that no such negotiations have taken place? And if they have taken place, I would like to know what in fact the outcome has been.

Mr. S. Smith: Very good question.

Hon. Mr. Parrott: I think we all recognize that Ontario Hydro over the years has had an excellent training program of its own.

Mr. Conway: Bringing them in by the busload from Europe.

Hon. Mr. Parrott: No, not by bringing them in. That is just not the way it is.

Mr. Nixon: And they train them here. Bringing them in untrained.

Hon. Mr. Parrott: And to those members opposite who think that the answer is for government to get involved in the daily lives—

Mr. Conway: But Hydro is involved.

Hon. Mr. Parrott: —and say, "You go here, you go there," and to take on that responsibility—

Mr. Conway: Who runs Hydro?

Hon. Mr. Parrott: —I say that is a bunch of nonsense.

Mr. Kerrio: The minister is shirking his responsibility.

Mr. S. Smith: Are you going to privatize the community colleges?

Mr. Lewis: The ministers are all apologists for Hydro, the whole pack of them over there. I've never seen anything like it.

TEA AND COFFEE PRICING

Mr. Philip: A new question of the Minister of Consumer and Commercial Relations: Is the minister aware that not only is coffee packaged in Canada selling at less cost in the United States—

Mr. Mancini: Send the tea down here, Ed. We need it.

Mr. Philip: —but that so is tea packaged and blended in Canada? In this case an eight-ounce package of Red Rose tea bags that sells in the United States for \$1.67 is selling in Ontario, only a few blocks from here in a major supermarket, at \$2.19. Does this not warrant an investigation of comparison between US and Ontario prices?

Mr. Peterson: Send over a sandwich too, Ed.

Hon. Mr. Grossman: If the hon. member sends over the tea. That's the supplementary.

Mr. Foulds: No difference in labels—just the price tags.

Hon. Mr. Grossman: Yes, as I tried to indicate earlier, I will be following the same course on the tea—and I already have instigated it; it was some time last week—as I followed on the coffee. We'll write the companies involved and see what answers they provide, we'll write the AIB and see what they have on it, and I will report back to the House.

Mr. Roy: We want the tea as well.

Mr. Lewis: A real consumer advocate. He will write the companies!

Mr. Philip: Supplementary, Mr. Speaker?

Mr. Speaker: I don't know what possible supplementary there could be to that but try it.

Mr. Philip: Thank you, Mr. Speaker. Unlike my colleague the member for Welland-Thorold, who is of Dutch origin, being of Scottish origin, I don't intend to give the minister any free tea. I intend to keep it.

Mr. Speaker: Question?

Mr. Philip: However, would the minister be willing to comment on whether or not as a result of his representations to the AIB for information concerning wholesale prices—which I understand they have monitored—that information has been refused to him?

Hon. Mr. Grossman: It has not been refused.

RABIES QUARANTINE

Mr. Stong: Mr. Speaker, I have a question for the Minister of Agriculture and Food concerning the hydrophobia quarantine. In view of the reported incidences of rabies among household pets would the minister review and reverse the policy of his ministry which allows quarantining of those suspected animals in homes rather than animal pounds, particularly as it applies to urban settings with the inherent danger to the community at large, if not to the owners of such animals?

Hon. B. Stephenson: Balderdash.

Hon. W. Newman: With the high incidence of rabies that we have in the area—many areas out there have the same situation—there are some safety factors involved in trying to have the incubation period in the home. That's a very dangerous sort of a situation. The animal should be separated from any person and kept away from the home, and to suggest that it is kept in one's home for the incubation period is inviting trouble. Certainly I don't want to change that around.

Mr. Breithaupt: That is what is happening.

Mr. Stong: That is exactly what I wanted reversed. That's the policy of his ministry which he stated. That's happened, and I'm asking him to reverse that situation—to require animals to be quarantined in pounds rather than the homes.

Mr. Sargent: Ask Bob Eaton, he will tell you.

Mr. Conway: It is time for another shovel, Bill.

Mr. S. Smith: Maybe there's some Hydrophobia over there.

Mr. Speaker: Order, please.

Hon. W. Newman: I think you've got a bit of Hydro-phobia too, so just be careful.

But as far as keeping all the animals in the pound goes, there just isn't enough room in all the pounds.

Mr. Lewis: Have you thought of the occasional injection? A little immunization?

Hon. W. Newman: Yes.

Mr. Breaugh: I'd volunteer to give him the injection.

Mr. Speaker: Order, please. Do you have a question?

Mr. Breaugh: I do.

Mr. Speaker: Please put it.

NUCLEAR WASTE

Mr. Breaugh: I'd like to ask a question of the Minister of Energy. Would he elaborate

for the House on the exact status of the spent fuel storage areas at the Pickering plant and would he give us some insight as to how Ontario Hydro is so affirmative they will meet construction deadlines? And will they be able to construct further storage facilities there by the time they run out of space next spring?

Hon. J. A. Taylor: Yes, Mr. Speaker. As the member may or may not know the Pickering B is well along the way now. In conjunction with that plant is additional capacity for irradiated fuel storage. There is also an additional storage area—that's the wet storage, in the swimming pool type of facility. That will be completed in February of next year. So there is no concern whatsoever that there will not be sufficient capacity there to store the irradiated fuel. I don't think that really is a problem at this time.

Mr. Breaugh: Supplementary, Mr. Speaker: Could I ask if the minister is using the same management model techniques at Pickering as he is in other parts of the province?

Hon. J. A. Taylor: Management techniques?

Mr. Breaugh: Yes.

Hon. J. A. Taylor: Yes, we have, as the member knows, probably the most efficient system in the world—no question about that.

Mr. Foulds: Are you using Lummus in this one?

Hon. J. A. Taylor: If you look at the Pickering reactor, operating probably at about 92 per cent capacity, and it is untouched by any other plant—it is number one in the whole world in terms of capability. I think we should be proud of that.

[3:30]

INTRODUCTION OF BILLS

OCCUPATIONAL HEALTH AND SAFETY ACT

Hon. B. Stephenson moved first reading of Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers.

Motion agreed to.

GOOD SAMARITAN ACT

Mr. Haggerty moved first reading of Bill 71, An Act to relieve Persons from Liability in respect of Voluntary Emergency Medical and First Aid Services.

Motion agreed to.

Mr. Haggerty: An explanatory note is that the purpose of the bill is to relieve persons from liability in respect of voluntary first

aid assistance or medical services rendered at or near the scene of an accident or other sudden emergencies.

FIRE REGULATIONS

Mr. Speaker: Before the orders of the day, I'm reminded by the table officers that notice was given prior to the summer recess by the hon. member for Waterloo North (Mr. Epp) that he was dissatisfied with the answer to a question put to the Solicitor General (Mr. MacBeth) concerning fire regulations. This matter will be debated this evening at 10:30.

ORDERS OF THE DAY

Mr. Ashe: Mr. Speaker, I would like, if you will, to call for second reading not only Bill 36, but also Bills 37, 38 and 39. I understand that there has been general agreement that all of these bills—I can't do this? Okay.

Mr. Speaker: No, you need unanimous consent. Do we have unanimous consent?

Mr. Nixon: Mr. Speaker, I would just like to ask you if there is any precedent for us to deal with bills in bundles? I don't think that there's any great advantage in doing it that way and I don't believe it's unnecessarily time-consuming if we move through them, even if they are routine.

Mr. Ashe: Mr. Speaker, if I may just add, for the benefit of members, why this came forward. I understand that there was actually a request by the opposition that they could be considered in concert because basically they were all dealing with the same items to do with the regional municipalities and the restructured municipalities. That's why I put forward that motion. But it's of course really at the option of the House which way we would proceed.

Mr. Speaker: There does not seem to be unanimous consent. So I think perhaps the hon. member would be well advised to move second reading of one of them.

Mr. Ashe: Fine, Mr. Speaker. I'll then move second reading of Bill 36, which, as the hon. members are aware, includes primarily measures to streamline the temporary borrowing provisions. In addition, there's one permitting the 10 regional municipalities to accept money for reward purposes and to be allowed to pay this money to persons who supply information leading to the conviction of offenders. It also proposes that a simple majority—

Mr. Speaker: Order, please. You just simply move second reading of Bill 36.

Mr. Ashe: Fine, Mr. Speaker.

REGIONAL MUNICIPALITIES AMENDMENT ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 36, An Act to amend certain Acts respecting Regional Municipalities.

Mr. Speaker: Does the member for Durham West wish to make a brief opening statement? That's your prerogative.

Mr. Ashe: I'll finish those few remarks that I started out of order, if you wish.

Mr. Speaker: Very good.

Mr. Ashe: Fine. This is somewhat along the line of housekeeping and to bring more uniformity within the various regional Acts. The removal, for example, of auditors with cause, to get back to the simple majority, that is accepted pretty well throughout all other legislation. It is also to allow a little more flexibility to the municipalities in terms of their borrowing procedures, both for capital and current purposes and for signing authority in that particular regard. There are also specific amendments within the Metro Act to remove the three-quarter vote required for the paying of travel expenses of members of council; and there's a little tidying up to do within the Region of Halton Act regarding the surrender of the charter of the Halton County Museum Association.

After this particular bill has been dealt with in second reading, I will be asking that it be referred to committee of the whole House for some further amendments.

Mr. Epp: Mr. Speaker, it's a pleasure to be able to speak to these bills, particularly Bill 36. I agree that this is somewhat housekeeping. I wonder sometimes; I guess this is the kind of thing bureaucracy is made of, because it takes a long time before some of the requests of municipalities have been put into legislation, that finally TEIGA is acting on these measures. This party will support these measures because they are of a housekeeping nature.

I looked, for instance, at the fact that in order for an auditor to be removed for a cause you need a two-thirds vote at present, and with the new legislation this will be corrected.

The government doesn't even have a 50 per cent majority and it is empowered to govern the province, yet up until now it has required a two-thirds majority to remove an auditor for cause. I welcome the change.

As far as the other items are concerned, the mechanical devices for chairmen, their signatures and the paying of rewards for the supplying of information leading to the appre-

hension of unlawful citizens and so forth, we regard these as housekeeping measures and we plan to support them.

Mr. Lewis: The contents of this bill are largely a housekeeping matter and my colleague from Welland-Thorold (Mr. Swart) will want to raise a couple of items in respect to the bills which you are about to entertain before the House, but we can support this bill on second reading.

Mr. Foulds: Mr. Speaker, I'm speaking on behalf of my colleague, the member for Welland-Thorold, who will return to the House in a moment, slightly refreshed from a cup of freshly brewed instant coffee, roasted in Canada.

Mr. Nixon: Meanwhile tell us about the bill.

Mr. Foulds: I think my colleague would like me to say—

Mr. Nixon: Tell us about the bill, we've heard about the instant coffee.

Mr. Foulds: Would you like to call your former leader to order, Mr. Speaker?

Mr. Deputy Speaker: I would appreciate it if the member would direct his remarks to the Chair.

Mr. Foulds: Mr. Speaker, this legislation slightly improves the whole concept of regional municipalities, but I think it's fair to say that we in the New Democratic Party would like to see some more dramatic revisions in regional government. This may not be the opportunity to discuss that at length, although the bill lends itself to that concept. After all, the bill does amend the Regional Municipalities Act.

It should be taken note of at this time, and I hope the parliamentary assistant would bring back to his minister the message, that with this bill we are only tampering with something that is at this stage right for fundamental re-examination. I'm sure that my colleague the member for Welland-Thorold will have further remarks to make on the other bills as they come up.

Mr. Deputy Speaker: Are there any further members wishing to speak to this bill? Any further comments by the parliamentary assistant?

Mr. Ashe: Just very briefly, Mr. Speaker, I wish to thank the members across the floor for their support, appreciating that these are principally an enactment of housecleaning items and requests on behalf of the various municipalities that are covered under this legislation.

In response to the hon. member, of course there are other studies that are well under way, as the hon. member is aware, relating to

many of the regional municipalities that are being dealt with within these particular amendments. I am sure that in the future there will be suitable legislation coming forward to enact whatever would seem to be best for those municipalities concerned.

Motion agreed to.

Ordered for committee of the whole.

DISTRICT MUNICIPALITY OF MUSKOKA AMENDMENT ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 37, An Act to amend the District Municipality of Muskoka Act.

Mr. Deputy Speaker: Do you have any opening remarks?

Mr. Ashe: None, other than to point out to the House that the amendments proposed in Bill 37 are exactly the same as those which were proposed under the regional amendment Act, Bill 36; except this, of course, deals with the district municipality of Muskoka.

Mr. Epp: Since these are housekeeping items, we will support them as indicated earlier.

Mr. Foulds: Before we proceed, I think the parliamentary assistant has indicated that there will be some amendments from the government side coming forward in committee. Could he indicate to us at this time which bills those apply to?

Mr. Ashe: If I may respond, Mr. Speaker, we will be proposing amendments to Bills 36 and 38. There are no amendments being proposed to Bills 37, 39 or 42.

Motion agreed to.

Third reading also agreed to on motion.

COUNTY OF OXFORD AMENDMENT ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 38, An Act to amend the County of Oxford Act, 1974.

Mr. Ashe: Mr. Speaker, with this particular bill, Bill 38, my comment is the same as in the previous discussion relating to Bills 36 and 37. This also is one of the bills we would ask the House to refer to the committee of the whole House for further amendment.

Mr. Epp: In a spirit of co-operation, Mr. Speaker, we are going to support this.

[3:45]

Mr. Swart: Mr. Speaker, I was forced to be out of the House when you dealt with Bill 36, but I do want to make a few general comments which I think are appropriately

made in the discussion of this bill. We, of course, are obviously going to support this bill, as we are supporting them all. We have no amendments to make to them; the two to which we wanted to make amendments have been withdrawn. We support this bill—and the previous bill—because we think it would slightly improve the regional operation. I want to put on record, as we have before, that we would rather like to see dramatic, major revisions in all of the regional government bills. We feel that it should be done by a committee of this House. A study, in depth, should be made on the principle of regional government.

Mr. Haggerty: You are not going for another study trip; you went for that in 1962, and we have got regional government now.

Mr. Deputy Speaker: Order, please. I just don't know if anywhere in the bill it states that there should be a study.

Mr. Swart: No. I am speaking on what I think should be in the regional bills, Mr. Speaker, and I am going to be very brief.

These amendments only tamper with the fundamental changes that should be made in the bill. Specifically, with regard to the bill, we support the reduction of the vote for relieving the auditor of his duties from a two-thirds vote to a simple majority vote. We are in favour of the broadening of the temporary borrowing provisions of this bill. I think it is a step in the right direction that the signatures can be produced by mechanical means. I think we would all want the right of this regional government to be able to pay rewards for the apprehension of criminals; and I think we would agree, although it is not in this bill—it's in some of the bills—that the Treasurer should not have to provide statements of revenue, et cetera, to the lenders.

As I stated before, we have no amendments to these bills. They are, basically, housekeeping bills. We think that housekeeping simply is not good enough. There should be fundamental changes.

Mr. Nixon: Mr. Speaker, as the member for Brant-Oxford-Norfolk, I do want to speak just briefly to this bill, which is an Act to amend The County of Oxford Act, 1974. I bring to your attention, sir, the words of the parliamentary assistant who, when he introduced the bill and the other companion pieces, indicated that they were of a piece, if not identical, with the amendments to Bill 36, An Act to amend certain Acts respecting Regional Municipalities.

I simply rise to bring to your attention, sir, that in all of these bills and amendments, the

difference between a restructured county and a regional government is nil, except for the fact that the restructured counties don't have a chairman; they have, as in Oxford, a warden.

If the Minister of Colleges and Universities (Mr. Parrott) were here—and he may even be listening and come rushing in, red-faced and in high dudgeon on this matter—we may hear about it again. But I can't let the opportunity go by to remind anyone who might be paying attention that, in fact, Oxford has a regional government in everything but name.

Mr. Riddell: Right on.

Hon. Mr. Welch: What's that got to do with the principle of this bill?

Mr. Deputy Speaker: Are there any other members who wish to speak to this bill? If not, does the parliamentary assistant have any further comments?

Mr. Ashe: None, Mr. Speaker, other than to pass on my thanks for the co-operation of the opposition in their support of these various amendments.

Motion agreed to.

Ordered for committee of the whole.

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Mr. Ashe, on behalf of **Hon. Mr. McKeough,** moved second reading of Bill 39, An Act to amend the Municipality of Metropolitan Toronto Act.

Mr. Ashe: Again, this particular bill speaks to all the various items referred to previously. There are some additional amendments concerning vote requirements, proposing a simple majority vote to authorize the travelling expenses of Metro councillors and officials and the expenses incurred for entertainment.

Mr. Epp: We will be supporting this bill.

Mr. Swart: The New Democratic Party is supporting this bill too. I understand, though, in this bill there is one other change. That is section 2(1), which provides that other revenues will be included in the 70 per cent amount. We support that too.

Mr. Deputy Speaker: Does any other member wish to comment on Bill 39? If not, are there any further comments by the parliamentary assistant?

Mr. Ashe: No, Mr. Speaker.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF TIMMINS-PORCUPINE AMENDMENT ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 42, An Act to amend the City of Timmins-Porcupine Act, 1972.

Mr. Ashe: What this bill is designed to do is to make it legal, if you will, to clear up some lack of clarification in the original intent of the authority of the corporation of the city of Timmins as to its ability to collect tax arrears from many annexed areas that were previously unorganized townships that surrounded the new community. This would legalize the collection of these arrears retroactively.

Mr. Epp: This being a bill of a house-keeping nature, we will be supporting it.

Mr. Swart: We are supporting it in this party too. We might have had some question about the second section of this bill, but in checking with the city of Timmins, we find there are no actions outstanding and no litigation under way. The second section of the bill is apparently put in for a saving, to make sure, because there is no action under way and it's unnecessary. We are supporting the bill.

I would perhaps just like to point out that this bill applies to the area of Cochrane South. I'm surprised that the member for that area is not in his seat as the former member from that area would have been.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of the whole.

REGIONAL MUNICIPALITIES AMENDMENT ACT

House in committee on Bill 36, An Act to amend certain Acts respecting Regional Municipalities.

Mr. Ashe: I have many amendments to this particular bill. If you would like we can go through it section by section. I have an amendment for section 1.

On section 1:

Mr. Chairman: Mr. Ashe moves that the bill be amended by adding thereto the following section:

Section 1 of the Regional Municipality of Ottawa-Carleton Act, being chapter 407 in the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

"7(b), notwithstanding section 4, the Lieutenant Governor in Council, upon the recommendation of the minister may by order au-

thorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under section 7(a), and that the sections of the bill that follow be renumbered accordingly."

Mr. Epp: Mr. Chairman, we will be supporting this amendment. Unfortunately the notice of the amendment was fairly short. We received it only on Friday. I am usually aware of more notice on these things, but nevertheless we feel it is a reasonable amendment and that it should be supported.

Mr. Swart: We have had an opportunity to look at this amendment and we support it.

Hon. Mr. Welch: Mr. Chairman, I just want to comment on the observation of the hon. member with respect to notice. There may be some misunderstanding, and perhaps this is the place to clarify it. It is generally agreed among the House leaders, and we thought in all caucuses, that Tuesday being legislation day, by the close of the day on Friday we should exchange notice of any amendments that anyone plans. I just want to make it quite clear that this is in keeping with the practice we have developed among ourselves, that Friday is, in fact, the deadline for notice of amendments for legislation being considered on Tuesday.

Mr. Foulds: Mr. Chairman, if I might just speak to that; it is certainly our understanding, and there have been occasions on which the House leader of the government party has been good enough to waive that when the opposition parties have had difficulty with amendments at the last moment in the current circumstances.

Hon. Mr. Welch: I appreciate that observation.

Mr. Chairman: Any further comments from members? If not shall the amendment carry?

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 and 3 agreed to.

On section 4.

Mr. Chairman: Mr. Ashe moves that the bill be amended by adding thereto the following section:

Section 100(b) is renumbered to become section 4. Section 100(b) of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 46, section 5 is renumbered as section 124(a); and that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 4, as amended, agreed to.

Sections 5 to 8, inclusive, agreed to.

On section 9:

Mr. Chairman: Mr. Ashe moves that the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of York Act, being chapter 408 of the Revised Statutes of Ontario 1970 as amended by the Statutes of Ontario 1972, chapter 78, section 2; and 1976, chapter 43, section 27; is further amended by adding thereto the following subsection 3(c): Notwithstanding section 7, the Lieutenant Governor in Council upon the recommendation of the minister may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3(a), and that the sections of the bill that follow be renumbered accordingly."

Any comments? Shall the amendment carry?

Agreed.

Section 9, as amended, agreed to.

Sections 10 to 12, inclusive, agreed to.

[4:00]

On section 13:

Mr. Chairman: Mr. Ashe moves that the bill be amended by adding thereto the following section:

"Section 2 of the regional municipality of Waterloo Act in Chapter 105 is amended by adding thereto the following subsections:

"(a) That portion of the city of Kitchener described as follows is annexed to the city of Waterloo: All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Kitchener, Regional Municipality of Waterloo, formerly in the county of Waterloo, and province of Ontario, and being composed of firstly one foot reserve (a), part of one foot reserve (b), and part of Silvercrest Drive, Registered Plan 877 in the said city of Kitchener, designated as parts 1, 2 and 3 on a reference plan deposited in the Registry Office for the registry division of Waterloo North 58 as Plan 58R-1986.

"Secondly, that part of lot 33 German Company tract in the said city of Kitchener designated as part 4 on a reference plan deposited in the Registry Office for the registry division of Waterloo North as Plan 58R-1986.

"And subsection 1(b) which is subsection 3 applies with necessary modifications to the annexation provided for in subsection 1(a) and that the sections of the bill that follow be renumbered accordingly."

Mr. Breithaupt: I think it important to rise and speak on this particular section, because

after all no member of the Legislature enjoys seeing his riding cut by size. However, in this amendment, while the member for Waterloo North (Mr. Epp) was of a view at one point that they were prepared to amend the bill to take over the entire city of Kitchener, I had suggested to him it was only practical that these one foot reserves be granted.

The purpose behind this, of course, is to deal with a minor subdivision problem which has arisen because the subdivision apparently is right on the line between the cities and has included a very small portion of the city of Kitchener. As a result, I am quite graciously prepared to accept the loss of this territory, but we'll be looking for Waterloo to give us something on occasion too.

Mr. Swart: Just following the member for Kitchener, I assume that this area, because he is sorry to lose it, must be an area where he received the majority of the votes.

Mr. Breithaupt: It would not have mattered. I won in every area.

Mr. Swart: I have checked, Mr. Chairman, and this change is not only desirable, but I understand that all those involved are in favour of it and therefore we support this amendment.

Mr. Epp: I am pleased to speak on this item, Mr. Chairman. When I was mayor of the city of Waterloo we started discussing this matter and it's nice to know that it is coming to fruition and that the annexation is going to take place. As the member for Kitchener indicated, we were prepared to annex Kitchener and give it good, honest, reasonable government, but that never materialized.

Mr. Lewis: Yes, they have a super mayor there now. No problems in Kitchener now.

Mr. Epp: There was a suggestion that we build a wall there, but we settled for a one-foot reserve.

Mr. Lewis: I can believe that.

Mr. Chairman: Are there any further comments?

Mr. Ashe: I think it worth noting, Mr. Chairman, for those members in the House who are not particularly cognizant of this situation in as specific fashion as some of the hon. members are, that it is nice to see that an annexation such as this, albeit very minor, can be mutually agreed by the particular municipalities, and this is the case. Both cities involved, as well as the regional municipality, have agreed to this minor change in their boundaries comprising some 6.71 acres. This is the purpose of this par-

ticular amendment and it is hoped that most annexations can be handled in the same spirit of co-operation that this one has been.

Mr. Breithaupt: Don't count on it.

Mr. Swart: You want to bet?

Mr. Ashe: No, I wouldn't count on it.

Section 13, as amended, agreed to.

On section 14:

Mr. Chairman: Mr. Ashe moves that the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Waterloo Act, 1972, being chapter 105, as amended by the Statutes of Ontario, 1976, chapter 43, section 38, is further amended by adding thereto the following subsection:

"3(b) Notwithstanding section 8, the Lieutenant Governor in Council upon the recommendation of the minister may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under section 3(a) and that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 14, as amended, agreed to.

Sections 15 and 16 agreed to.

On section 17:

Mr. Chairman: Mr. Ashe moves the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Sudbury Act, 1972, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1; 1974, chapter 54, section 1; 1975, chapter 46, section 12; and 1976, chapter 43, section 50, is further amended by adding thereto the following subsection:

"3(b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the minister, may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3(a); and that the sections of the bill that follow be renumbered accordingly."

Mr. Swart: I just want to draw the attention of the House to the fact that the member for Sudbury (Mr. Germa) specifically came in because this bill was being dealt with at this time.

Mr. Haggerty: He is absent now.

Mr. Foulds: No, he is right here.

Motion agreed to.

Section 17, as amended, agreed to.

Sections 18 to 20, inclusive, agreed to.

On section 21:

Mr. Chairman: Mr. Ashe moves that the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Peel Act, 1973, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 61, is further amended by adding thereto the following subsection:

"3(b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the minister, may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3(a); and that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 21, as amended, agreed to.

Sections 22 to 24, inclusive, agreed to.

On section 25:

Mr. Chairman: Mr. Ashe moves that section 25 of the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Halton Act, 1973, being chapter 70, as amended by the Statutes of Ontario, 1973, chapter 162, section 2, and 1976, chapter 43, section 73, is further amended by adding thereto the following subsection 3b:

"Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the minister, may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3a."

"And that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 25, as amended, agreed to.

Sections 26 to 29, inclusive, agreed to.

On section 30:

Mr. Chairman: Mr. Ashe moves that section 30 of the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Hamilton-Wentworth Act, 1973, being chapter 74, as amended by the Statutes of Ontario, 1976, chapter 43, section 84, is further amended by adding thereto the following subsection 3c:

"Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommenda-

tion of the minister, may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3a,'

"And that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 30, as amended, agreed to.

On section 34:

Mr. Chairman: Mr. Ashe moves that section 34 of the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Durham Act, 1973, being chapter 78 as amended by the Statutes of Ontario, 1976, chapter 43, section 96, is further amended by adding thereto the following subsection 3b:

"Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the minister, may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3a,'

"And that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 34, as amended, agreed to.

Sections 35 to 37, inclusive, agreed to.

On section 38:

Mr. Chairman: Mr. Ashe moves that section 38 of the bill be amended by adding thereto the following section:

"Section 3 of the Regional Municipality of Haldimand-Norfolk Act, 1973, being chapter 96 as amended by the Statutes of Ontario, 1976, chapter 43, section 107, is further amended by adding thereto the following subsection 3b:

"Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the minister, may by order authorize such method of selecting the members who represent the area municipality on the regional council as is considered advisable following an order of the Municipal Board under subsection 3a,'

"And that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 38, as amended, agreed to.

Sections 39 to 43, inclusive, agreed to.

Bill 36, as amended, reported.

COUNTY OF OXFORD AMENDMENT ACT

House in committee on Bill 38, An Act to amend the County of Oxford Act, 1974.

On section 1:

Mr. Chairman: Mr. Ashe moves that section 1 of the bill be amended by adding thereto the following section:

"Section 3 of the County of Oxford Act, 1974, being chapter 57 as amended by the Statutes of Ontario, 1976, chapter 73, section 1, is further amended by adding thereto the following subsection 4b:

"Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the minister, may by order authorize such method of selecting the members who represent the area municipality on the county council as is considered advisable following an order of the Municipal Board under subsection 4a,'

"And that the sections of the bill that follow be renumbered accordingly."

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 6, inclusive, agreed to.

Bill 38, as amended, reported.

Hon. Mr. Welch: Mr. Chairman, I just want to get the permission of the committee. There's been some consultation between my colleague, the Chairman of Management Board (Mr. Auld), and representatives of the other two parties with respect to Bill 4 which is in committee. If the committee agrees, we might now call it for some amendment which the Chairman of Management Board has, and proceed with that legislation.

SUCCESSOR RIGHTS (CROWN TRANSFERS) ACT

House in committee on Bill 4, An Act to provide Successor Rights on the Transfer of an Undertaking to or from The Crown.

Hon. Mr. Auld: Mr. Chairman, my amendment deals with sections 7 to 12 of the bill. I assume there are no comments prior to that time so, perhaps, I can move that now.

Sections 1 to 6, inclusive, agreed to.

On sections 7 to 12, inclusive:

Mr. Chairman: Hon. Mr. Auld moves that sections 7 to 12 of Bill 4 be renumbered as sections 8 to 13 and that the bill be amended by adding thereto the following section:

"7(1) An application may be made to the tribunal or to the board and (a) the tribunal may declare whether or not a trade union or council of trade unions qualifies as an em-

ployee organization under the Crown Employees Collective Bargaining Act, 1972, and (b) the board may declare whether or not an employee organization qualifies as a trade union or council of trade unions under the Labour Relations Act.

"(2) Where the tribunal is not satisfied that the trade union or council of trade unions is so qualified, or the board is not satisfied that the employee organization is so qualified, the tribunal or the board, as the case may be, may specify the steps necessary to so qualify and, when satisfied that the steps have been taken, (a) the tribunal shall declare that the trade union, council of trade unions or the successor of either of them is so qualified or, (b) the board shall declare that the employee organization or its successor is so qualified.

"(3) A trade union, council of trade unions or successor of either of them that is declared by the tribunal to be so qualified shall be deemed to have been qualified as an employee organization under the Crown Employees Collective Bargaining Act, 1972, from and including the day of the transfer to the Crown of the undertaking to which the declaration relates.

"(4) An employee organization, or its successor, that is declared by the board to be so qualified shall be deemed to have been qualified as a trade union or council of trade unions under the Labour Relations Act from and including the day of the transfer to the employer of the undertaking to which the declaration relates."

As came up on second reading of this bill, this has been added to provide a method for determining whether or not a trade union, council of trade unions or employee organization is qualified, as required by section 6(1) of the bill.

Mr. Breithaupt: Mr. Chairman, some time ago when this bill had been discussed in second reading there were problems that were raised concerning the matters dealing with a union that might be outside the jurisdiction of the Crown being able to qualify under an employee organization under the requirements of the Crown Employees Collective Bargaining Act.

The matter was stood over at that time for an amendment to be considered and that amendment has now been brought before the House today. This amendment hopefully resolves the question that was raised by, in fact, empowering the Ontario Public Service Labour Relations Tribunal to specify the steps which are necessary for a union to so qualify. As a result of those steps being able

to be specified, then the union can be deemed to have qualified from and including the day of the transfer of an undertaking to the union.

I realize, of course, that the matter is a somewhat involved one but the attempt has now been made to allow the situation to develop, with the hopes that any problems of transferring these matters can be dealt with in future, so as to make sure that such transfers are done smoothly and to the satisfaction of the parties involved.

As a result, we are content with this amendment and we are prepared to support it.

Mr. Mackenzie: Mr. Chairman, we also will support the bill and the amendment. We recognize that what is really needed are some amendments to CECBA and hopefully we are going to see them somewhere down the road, because that's the only way we are really going to get reciprocal arrangements of employees coming under the Crown Employees Collective Bargaining Act.

We certainly take the minister at good faith when he said the intent of the bill as brought into the House was that it would be reciprocal, and hopefully this will correct the situation or at least lead to very few disputes. If it doesn't, then somewhere down the road we may have to take another look at it, but I think it's important also that it be done rather quickly in case there be any units that might possibly lose some of their benefits as a result of transfers that are pending.

Mr. Chairman: Do any other members wish to comment on this amendment? If not, any further comments by the hon. member for Leeds?

Hon. Mr. Auld: No, simply to thank the members opposite for the speedy passage, because as the member for Hamilton East just said, it is rather important in that both OPSEU and perhaps CUPE are concerned about the possibilities of transfer in or out, and we trust this will cure any problems.

Motion agreed to.

Sections 7 to 12, inclusive, as amended, agreed to.

Mr. Chairman: If there are no further comments or amendments, shall the bill as amended be reported?

Bill 4, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported three bills with amendments and asked for leave to sit again.

THIRD READINGS

The following bills were given third reading on motion:

Bill 4, An Act to provide for Successor Rights on the Transfer of an Undertaking to or from the Crown.

Bill 36, An Act to amend Certain Acts respecting Regional Municipalities.

Bill 38, An Act to amend the County of Oxford Act, 1974.

FAMILY LAW PACKAGE

Hon. Mr. Welch: Mr. Speaker, I am wondering, before I call the next order, if we might just have a bit of chat in the House in connection with the order of things.

We are now going to proceed with items 20 to 24 on the order paper dealing with the family law package, about which there have been some meetings. As you know, it had been the intention that most of this legislation following second reading would go to the appropriate standing committee for consideration later, but I have since learned that there may be some bills which the House would agree to proceed with now. I just want to make sure, because it might affect the order; we might do those things that we thought could be dealt with now. It was my understanding—and the Attorney General might comment on this—that perhaps 21, 22, 23 and 24 might be in that category, and that we would really leave over Bill 59—the family law bill—for further consideration in the standing committee.

There have been some different reports on this. If the Speaker would allow, we might clarify that point and deal with—

Mr. Breithaupt: I shall be pleased to be of assistance, if I can be. I would agree that from the discussions within our own caucus and with the critics that certain of these bills can probably be proceeded with and go to third reading today. I suggest, however, that of the four items you have referred to, although Bills 60, 62 and 65 are in that category, it may be necessary—or at least considered prudent—to join Bill 61 with Bill 59 for the purpose of debate, which ultimately may be preferred. I understand there may be further comments. Certainly, my colleague from Ottawa East will be involved, as will my colleague from York Centre. But in any event, I believe that Bills 60, 62 and 65 can proceed directly.

Mr. Foulds: Mr. Speaker, as long as it is understood that the House reserves the right to refer the bills to the committee of the whole House, because I understand there

may be an amendment coming forward to Bill 60.

Hon. Mr. Welch: I am in the hands of the House in this. I just wanted to have some direction, given the fact there is some general agreement that even with a brief excursion in committee of the whole House, we would get Bills 60, 62 and 65 through. Then you wanted to save Bills 59 and 61 for the standing committee. I just want to know, that's all. All five were going to go to standing committee when we first started this, but if three could be handled now and two or one go to the standing committee, that's fine with me. I just want to know what to do.

Mr. Breithaupt: I think if there is a necessity for a particular amendment to Bill 60, it could be dealt with here in committee of the whole House. It may indeed be that Bill 61 can also be completed. I am just not entirely familiar with that particular point. So we could begin.

Mr. Lawlor: Mr. Speaker—with some consultation fairly recently—I am of the opinion—as the critic for the Attorney General—that only Bill 59 really needs to be sent downstairs for review; the rest can be done in this House. They are very probably—and, in my opinion, are—sufficiently severable to get them through. We have been waiting such a long time that it is better to clear the decks to the greatest extent possible with respect to this family law matter.

Hon. Mr. Welch: Then let's start with the three. I'll call the 21st order, then.

[4:30]

SUCCESSION LAW REFORM ACT

Hon. Mr. McMurtry moved second reading of Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Mr. Lawlor: These tracks have even changed bloody trains in the middle of the junction, the high-speed locomotive coming up behind. It's not just one bill we're discussing today. It's a plenitude. Each of them has a progeny—all illegitimate. In every case we have three different bills.

What you have to do when you stand here today is know what the state of the actual law is and know what they proposed on the first instance about—I think it's getting on to 16 years ago now. Then eight years ago they brought in a change and at a less nether time they have now finally got the third facsimile before us. All that has to be retained and you have to switch at the same time.

This change in the succession in estates has been thoroughly canvassed and perused

by the Law Reform Commission. The law at an earlier time was in—I won't say exactly a state of confusion—but certainly in a state of high intricacy. It was designed to test the calibre of the bar working in this particular field. It was not easy to construe, particularly after you got past children and you were going up to parents and down to nephews and nieces and brothers and sisters and over to next of kin and into the hands of what is salubriously called the laughing heir, that is, the fellow in Australia whom no one ever heard of who takes the bundle. And did he ever smile! The fellow in Australia has finally been brought to heel and within this kind of legislation we aren't any longer going to permit that.

The legislation provides for a great many things. It provides for lapses in a will where people die before the testator dies, for an ademption, as it is called in law, with respect to, for instance, where he takes back a mortgage and he gets rid of it and turns it into cash or sells property that he's given to somebody under a will and the proceeds are traceable in one form or another. This affirms the fact that you can trace it through and then the person to whom the original gift was given would be the beneficiary of that particular gift.

It abolishes dower, and that has been long called for—it was abolished many years ago in Great Britain—and the courtesy, the husband's right, analogous to but very different from dower. Provisions are made for very intricate stuff in the bill having to do with conflict of law legislation and as to the doctrine of the renvoi, about which —

Mr. Lewis: We all knew that.

Mr. Lawlor: —one of the most astute of law teachers—he probably taught law for 50 years at Osgoode Hall, a man by the name of Falconbridge, bless his white-haired soul—

Hon. Mr. Welch: A great man.

Hon. B. Stephenson: How can a soul be white-haired?

Mr. Lewis: Not so much is known about the soul that it couldn't be.

Hon. B. Stephenson: I suppose that is a possibility.

Mr. Lawlor: —would spend a good six months of the year talking about that tiny term.

I think that on second reading there isn't in this particular legislation a great deal of point in seeking to take it apart. There's a diversity of principle in it and probably the best forum to sort it out is shortly in the committee of the whole. I think we should

let the matter rest at that point since we have, as I see it, no quarrel in principle. On the contrary, this is fairly neutral law as between political parties. It simply updates and brings down, rationalizes and modernizes the whole area of law that has descended from time immemorial and is hoary with age. The only thing that amazes one about this sort of thing is that it hadn't been done at least three generations ago.

Mr. Roy: Mr. Speaker, I always view and hear with great interest the comments of the member for Lakeshore, and I must congratulate him, because he takes on and meets a real challenge when he can stand up and go on as he did about legislation which I suspect he knows as little about as I do.

Mr. Lewis: Of whom are you speaking?

Mr. Roy: Secondly, about legislation which is as dry and as complex and about which most of the legal profession know nothing. So he has met the challenge and I find—

Mr. Lewis: The member for Lakeshore has read every word, paragraph, clause, understands it all, has absorbed it all and has disgorged it all.

Mr. Roy: That's right. I agree with the leader of the NDP that he has read it all, but to say understands it? I am sure he is in the same boat as I am.

Mr. Lewis: He understands it. If Patrick tells me he understands it, he understands it.

Mr. Lawlor: They are both half right.

Hon. B. Stephenson: Which half?

Mr. Roy: Mr. Speaker, I have just a few brief comments. I would say to the Attorney General that in his comments when he again introduced the legislation yesterday I noted some sort of suggestion that he was looking forward to expeditious process in the passage of this bill, which we on this side and my colleagues to the left have always been in favour of.

However, I noted some suggestions, somehow, and I just want to correct the record, that certainly those of us on this side in no way have impeded in any way the passage of all these four bills—or is it going to be five bills—the bills dealing with succession, with marriage status, with children, and, of course, the major legislation dealing with support obligation, marriage and so on. I just want to make it very clear that we have always been very co-operative on this side, and I can say my colleagues to the left have as well.

If there has been any delay in the passage of this legislation it is because certain things have happened. For instance, they called

the election. That sort of delayed the process. We weren't asking for something like that. That delayed the process. Those of us on this side have accepted our responsibility and have proceeded with as much expedition as possible in the passage of legislation, and we shall do so—

Mr. Nixon: We did everything possible to keep that legislation moving forward.

Hon. Mr. Welch: Get back to the principle of the bill.

Mr. Roy: In dealing with the bill itself, Mr. Speaker, upon the bill first being presented, I don't know how long ago it was, the bill was referred to an august committee of members of the Law Society of Upper Canada led by Mr. Brule, who is one of the experts in this field. These knowledgeable people, experts, having looked at all this legislation, the only thing they could suggest back to us was changing a comma here and adding a word there.

I say to myself, "Well, that is good enough for me, if these fellows don't feel that there is anything wrong with the legislation." Of course, a quick and superficial perusal on my part suggests that there is nothing wrong with the legislation. We are in agreement that it should pass and that it should see the light of proclamation, the Lieutenant Governor's seal and everything else as soon as possible.

Hon. Mr. McMurtry: Very briefly, Mr. Speaker, just following on what has been said, this is legislation that has been pending for some time. I know those who are particularly concerned with the needed reforms that are part of this legislation have been waiting for several years.

I think the process, as has been suggested by the member for Ottawa East, has been a very useful and important one, because there has been a very complete dialogue with the members of the Legislature and the public sector, particularly those of the public sector who are interested in the legislation. As a result, my staff, who have worked very hard over the years, have benefitted by this very useful interaction and we have legislation that has been anxiously awaited, because it really does provide very necessary reforms to the very important laws of succession. I am very happy with the support that has been given to this legislation by members on all sides of the House.

Motion agreed to.

Ordered for committee of the whole.

MARRIAGE ACT

Hon Mr. McMurtry moved second reading of Bill 62, An Act to revise the Marriage Act, 1977.

Mr. Roy: We have reviewed this legislation as well and we have discussed it in caucus. We certainly are in agreement with the principle of the bill changing certain aspects of marriages in this province. There are some practical applications, some of which I have experienced firsthand. One of them was the long lineups of people outside the provincial Judge's office waiting to be married. I thought that somehow it demeaned the process of marriage and in fact it demeaned the whole process of the administration of justice to have a situation where a judge would take a break from a preliminary hearing in a rape case to go downstairs and conduct five or 10 weddings in haste, with expedition and so on. I have felt for some time that the jurisdiction to perform marriages should have been given to justices of the peace or other designated persons, and of course this is part of what is incorporated in the bill.

The other interesting aspect of this legislation, of course—and it has been mentioned; I think we mentioned it on the first occasion we had to discuss the bill on second reading—is that we are removing a right of action for a breach of promise to marry. Some colleagues in my caucus were pleased to hear that, but I think I said on second reading the first time—and I am saying it again—that I suppose in this Ontario society, in 1977, it's a right of action which may have had dealings in 18th-century England or other countries but which today is hardly applicable. So we agree with that proposition.

In closing my comments I must say that I find Form 1 at the end of the legislation is very interesting. It just seems interesting that we should have to emphasise by way of legislation that there are certain people that an individual can or cannot marry. You should be pleased to know, Mr. Speaker, for instance, that it is clearly set out in the legislation in Form 1 that a man may not marry his grandmother; that is specifically set out there.

Mr. Nixon: You have gone too far.

Mr. Lewis: Is that specifically a McMurtry initiative? You are a reformer; you are a social reformer.

Mr. Roy: If you want to talk about progressive legislation, then this is it. You can't marry your grandmother or your grandfather's wife; and it goes on to say you can't marry

your nephew's wife and so on. We have it all set out.

As far as this legislation is concerned, we see no reason on this side of the House for any delay or why it should not be passed.

Mr. Lawlor: I don't know whether to discuss it here or to discuss it hereafter.

Hon. B. Stephenson: You may not get the chance, Patrick.

[4:45]

Mr. Lawlor: I don't mean in the other world. I think it should go to committee because there are, again, specific points where it's not necessary there might be an amendment, but simply to have clarification; and also for those who want to have in Hansard an exposé—I think that's the word—of what the legislation contains.

There are some niggling points too; niggling points which are not pretty. For instance, the age of marriage is set at 18 years, maybe 16 with the consent of the parents and with a whole host of surrounding circumstances. Is that wise or unwise? It's increased from 14 to 16; what is the impact of that and what are the social implications of that?

An ancient law, a hoary law, is the business of the seventh year presumption of death as the basis upon which a woman or a man, going through particular procedures, would be able to remarry. That deserves a little comment apart from second reading comment. The nature of banns; who are the issuers, by what right do they issue and how you designate them—that too. It is most interesting that when this matter was previously before the committee we ran into very considerable difficulty in a particular section as to who would otherwise be called either a minister or a priest, or an officiating official, and by what right they acquired that title and whether there was recognition within a congregation of a person. There are some faiths which have marriage ceremonies that do not meet or accord with the usual procedures and ministerial practices.

At section 20, subsection 4 the minister or the ministry has attempted to look after the matter. They have removed the word "congregation" of recent date from the legislation and substituted "the governing authority of the religious body." That perhaps should be scouted a bit and given further clarification in the House—first of all because it is such a recent change and although the bodies in question, the Quakers and the Baha'i faith, have been consulted and as I understand the situation have agreed to this alteration, I think that that should be made explicit and on the record.

We probably can spend some time with it, and I don't wish to, with respect to the time interval between the issuance of a licence and the solemnization of the marriage. I think they carried me out of here about this time last year, when we were just beginning to get into this particular subject and I missed the grand occasion. I don't know what the extent of the debate was with respect to greater time intervals, et cetera—giving the opportunities for second thoughts.

Since none of the legislation makes provision for marriage counsellors or all that apparatus that's been proposed to the minister and which future marriage law in this province will embody as ways of seeking to keep marriages together and as services to people with respect to cementing the situation, then when it permits perhaps precipitate marriage, et cetera—makes no provision for it within the legislation—then the legislation isn't probably as visionary or as clean a piece of business as it is held out to be by the Law Reform Commission or by the government as it presently stands at all. I think perhaps a few moments of questioning of that and some debate about it won't do any harm.

It is a good thing. We heard earlier today in question period about the condition of the courts, not just in Ottawa but all over this province; backlogs, you can't get a taxation of costs, for instance, down at Osgoode Hall before next June. Do you know that? I know judges don't do that, masters do, but it shows the general cluttering and conditions of the court which is becoming, anybody can see, scandalous at this time in history.

I was going to save this up for the minister for the estimates and we no doubt will enter into that gently at that particular time—

Hon. Mr. McMurtry: Warm up, you are in the bullpen.

Mr. Lawlor: —but anything at this time in history that would have an alleviating effect upon the duties of the judiciary, even making them go to work, would be all to the good in this particular context.

So the solemnization being taken out—not taken out of the hands of the judges they may continue to solemnize—I suspect that the judges now will direct this sort of thing into the hands of justices of the peace, et cetera. They are more numerous, are not quite so highly paid, and certainly have the proficiency in that particular sphere. They may bind these fellows but I would have some hesitation about permitting them to loosen anything.

I should mention an interesting thing before I sit down, quite a novel thing really. Section

33 reads: "Where one person makes a gift to another in contemplation of or conditional upon their marriage to each other and the marriage fails to take place or is abandoned"—or both parties abandon one another at the door—"the question of whether or not the failure or abandonment was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift." If he wants it back again, you know.

I wonder about that one too, it's a curious one. Here's a guy, he gives the dowry; he hands over the bulk of his hard-earned pelf, which had been sitting in bullion in the bank, in a moment of dementia praecox he decides to confer it upon his beloved daughter.

Hon. B. Stephenson: That's a Victorian diagnosis, Pat.

Mr. Lawlor: Then a few days later he says: "That future son-in-law of mine has irked me somewhat last night in our drinking session and I wouldn't want to see my daughter marry that scoundrel. What is the best way for me to go about it to get that dough back again? I shall take every step to frustrate this marriage, if only to get back my gift."

Can you see the Pandora's box, the wasp's nest, of human irritation and dereliction that is involved in that particular section?

With that I can show the minister how weak his legislation is; and a thing is known by its weakest link.

Hon. Mr. McMurtry: Mr. Speaker, I must admit I'm very grateful to have the opportunity of participating in this debate with the member for Lakeshore. I know that both the member for York South and I regard this as yet another opportunity to accumulate memorabilia from the member for Lakeshore—

Mr. MacDonald: You might even be quoted 10 years hence.

Hon. Mr. McMurtry: That's right, for future dinners honouring our good friend, because certainly Hansard has been a great source for other occasions—both of us thinking, of course, of a more recent one.

With respect to the age of marriage, I think the original proposal was to leave the age at 14. We had some discussion in the committee, but certainly I was of the view it should be increased to 16, the minimum age. While not pretending to be aware of the total history related to this section, obviously part of the history was related to the stigma of illegitimacy that often attached upon children who were born of parents under the age of 16 years. So it was thought, wisely or not, that rather than have a stigma of illegitimacy attached to a child, the parents therefore

should marry to avoid that, even though they might be 14 or 15 years old.

In view of the fact that we are in the process of very wisely and sensibly removing this stigma of illegitimacy, in my respectful view it certainly removes much of the reason for recognizing marriages of people as young as 14 or 15 years old. It's my respectful view again that this change to 16 is very much in the public interest. Surely, as the member for Lakeshore has reflected on the problem of marriage counselling, since many people undertake this very important step with perhaps not the appropriate counselling, it's hard to imagine when it would be in the public interest to recognize marriages of children of 14 or 15 years old.

I gather from the member for Lakeshore's remarks that it is suggested there should be something in the legislation providing for marriage counselling, which implies to me the possibility of some mandatory provision for marriage counselling prior to a marriage taking place. While we all recognize that people should not get married without some considerable deliberation, preparation or reflection, I think that to make this mandatory would amount to an encroachment in the life of the citizens of this community which perhaps could be intolerable. While I'm sure most of us support the idea of marriage counselling, or some form of counselling in advance of a marriage, particularly with young couples, I don't believe that it should be a mandatory feature of any Marriage Act.

Hon. Mr. Welch: It should be sought and not imposed.

Hon. Mr. McMurtry: Precisely. It should be sought and not imposed.

Mr. Nixon: What a nice turn of phrase that is.

Hon. Mr. McMurtry: In section 20 we have attempted to recognize the legitimate wishes of groups such as the Quakers and the Baha'i religions. These groups specifically have been consulted in relation to this legislation, and the legislation is framed accordingly.

With respect to any other possible amendments of which the member for Lakeshore speaks in rather general terms, without specifying precisely what these amendments might be, all I can say at this time is that we would certainly be quite prepared to consider any amendments that would more effectively carry out the intent of the legislation. I would be quite happy to consult with the member for Lakeshore in that context.

Motion agreed to.

Ordered for committee of the whole.

[5:00]

SURROGATE COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 65, An Act to amend the Surrogate Courts Act.

Mr. Lawlor: This is the Surrogate Courts Amendment Act, I take it. You take it. Anybody who wants it can have it. There are several things in this particular bill. Again, I am going to be asking to have it sent to committee, particularly with respect to section 4.

Mr. Nixon: It is going to postpone the inevitable, Pat. You are going to have to talk about it some time.

Mr. Lawlor: What I have to say at the moment is explosive in the extreme. That detailed inventory that you are seeking to abolish—I have really severe misgivings about it. As the legislation reads, it seems it is going to give a lump sum—in the papers filed in the surrogate court. But I am told that that's not exactly accurate; as between movables and immovables there will be a breakdown in valuation.

I know that on many occasions, I have gone into the surrogate court office precisely in order to take a look at that inventory on behalf of heirs or on the part of people who are thinking of contesting an estate in one way or another. They, first of all, want to know whether it's worthwhile; but they are very often asking about a specific item—what was the farm machinery worth or what was that house at 22 Summerhill Road worth? If you are going to make a lump sum, we are not going to know what valuation was placed upon these particular items. I am not going to be particularly assertive about this. I would like to hear good reasons given as to why this particular step is being taken. I know that the judge of the county court, designated as the judge of the surrogate court, says that it's effete, it's archaic and not much value. But I just wonder if the practising bar and profession think that's the case—if they think that it is, on occasion, of very considerable value, indeed.

If you don't get a detailed inventory from that court, you can write a letter to the executor, let's say, or the administrator appointed by the court but you may not get a reply; and time to coerce the reply is an extremely difficult thing. They say, "Whatever is filed is filed and that's all you are going to know." So I am rather willing to err on the direction of filing too much than filing too little, in this particular context.

Section 5 is quite beneficial with respect to the bonding provisions and so on. But in committee I think it deserves dwelling on for a

few moments in order to clarify the use and range of a bond.

With that, Mr. Speaker, we accept the principle of the bill.

Mrs. Campbell: Mr. Speaker, before the minister is asked to reply, I wonder if he could clarify for me the provisions of this proposed amendment as it relates to the other statutes which are before us. For example, if an illegitimate child could come forward and claim at some time later in the process and looks to the heir or to the beneficiary of a certain specific gift for redress—I think the Attorney General is aware of what I am addressing myself to—would it not be appropriate that that kind of information should be in the court where one does one's searches? Perhaps I have missed something in this, and it is only really a matter of clarification that I would like on that particular point, or how in the practice of the law one goes about advising such a beneficiary as to whom to look to for some of these things. I suppose in the will itself, it's clear. But the question of the amounts and so on, and if some of it has been dissipated, is the kind of thing that is troublesome to me.

Mr. Stong: Briefly, and probably more by way of reiteration than anything else, I would echo the words of the member for Lakeshore. With respect to the value and the way the Act reads right now, it would seem to be a lump sum and probably no differentiation, where in fact it may be advisable to have some type of a minimum differentiation. Perhaps an amendment to that section would be forthcoming in third reading.

Hon. Mr. McMurtry: In ongoing consultation with the practising bar and the judiciary, it has been their view that the total inventory provisions are quite unsatisfactory, and again this is not a field in which I have had any practical experience. The existing inventory provisions are satisfactory in view of the fact that they do not provide the true nature of the assets, and that places an onus on a judge to satisfy himself or herself as to the valuation, without giving the judge the means to do so. For example, the present inventory doesn't provide requirements, and fails to give any particulars of stocks and bonds. It doesn't provide for insurance at all.

I understand there is a set of rules that has been developed by the surrogate court to provide a means whereby a surrogate court judge can obtain details where there is a legitimate request for these details. This is at present before the rules committee and will be available, hopefully, in the near fu-

ture. It is hoped that these rules will provide a much better method of ascertaining what the true assets are. In so far as dealing with a child born outside of marriage, the will would be on file with the valuation. The rules, I am told, would permit any person entitled to compel disclosure from the executor. I think the rules will accomplish a lot of what appears to be the very understandable concerns of the members opposite.

Coming back to the evaluation section, I don't know whether it is possible between now and third reading for committee of the whole House to consider a further amendment which might provide a more satisfactory method. In order to respond to the concern of the member for Lakeshore, we are quite prepared to consider this over the supper hour.

Motion agreed to.

Ordered for committee of the whole.

Hon. Mr. Welch: Mr. Speaker, I am wondering if I might consult with representatives of the other two parties with respect to Bill 61. I'd like to ascertain whether or not that bill is considered one that we want to include with the three to which we've just given second reading; to go into committee and to go right through for royal assent now, or whether it, along with Bill 59, is to be referred to standing committee.

If there's no agreement on that, we could go into committee and do the committee work on the three we've carried and complete them, and then start the second reading debate on Bills 59 and 61. But there seemed to be some question as to whether Bill 61 was to go to the standing committee or to be treated in the same way as Bills 60, 62, and 65. Could I have some direction, Mr. Speaker; rather, some indication as to what the other two parties feel?

Mr. Roy: We have certain concerns. There are certain aspects of Bill 61 which we had some concern about, but of course if the Attorney General was prepared to go along with some of the suggested amendments it could go to committee of the whole. I don't think it's a specific matter in the bill, so that it may well be that we're able to solve our problem and expedite the passage of this bill by going through the process of the other three that precede it in committee of the whole; but we will be having some amendments to propose on that one.

Mr. Lawlor: As far as I'm concerned, Mr. Speaker, it could be taken along with the last three bills. It could form a package as the fourth in that series and be taken into the committee of the whole House.

CHILDREN'S LAW REFORM ACT

Hon. Mr. McMurtry moved second reading of Bill 61, An Act to reform the Law respecting the Status of Children.

Mr. Stong: One of the most profound concerns I suppose we have with respect to this bill arises out of section 10, the proposed section. It seems upon a reading of subsections 1 and 2 particularly, and then continuing on down with respect to the blood test. It would appear from that section that a very basic principle underlying our law is breached. By including that section in this bill we would seem to be jeopardizing the rights of an individual—the right, for instance, of freedom from interference.

What I'm concerned about, basically, is that section 10 would seem, as I understand it, to call upon a court to make an order, upon application by a given individual with respect to the determination of the parentage of a child, that determination being based upon the results of a blood test. As I understand the situation to be with respect to the medical profession and medical science, the results of a blood test are certainly not conclusive, by any stretch of the imagination, in determining the parentage of an individual. One thing they do give assistance with is the finding that a person is not the parent.

If the section remains in this Act, as I read it—"upon the application of a party in a civil proceeding, such a blood test may be ordered"—if that blood test is ordered, then subsection (4) comes in and it's dealt with upon its application to certain people as set out. But if a person refuses a blood test, then the court, by virtue of the operation of section 10(2), may draw an inference "as it thinks fit."

[5:15]

To me, that reads the same as giving the court permission to draw an adverse conclusion, which would seem to me to be giving the court the power and the authority and the jurisdiction by virtue of an inference that cannot be drawn from scientific or medical methods. In my respectful submission, through Mr. Speaker to the minister, why should the court be given powers to be drawn from a mere inference that it could not draw from more conclusive evidence if such evidence were available, namely a blood test? So what we are really saying is, a blood test is not conclusive of proof of parentage, but if you refuse to take that blood test I can draw the conclusion from that that you are the parent by virtue of the fact that you refuse. A court can draw an adverse con-

clusion from a situation that it could not otherwise draw a positive conclusion from.

In my respectful submission, that is such a breach of right that it goes right to the gravamen, right to the substantive effect of this Act, right to the principle, and breaches the principle of the individual's right to protect his own freedom. In that sense it would seem to me that this bill in that particular section should fail on its principle.

Mr. Lawlor: I have, Mr. Speaker, some misgivings about my friend the member for York Centre's position on this. If one refuses to give a blood test it says the court may draw such inference as it thinks fit. It is going to do so anyhow. If a guy says, "No I am not prepared to give a blood test," et cetera, some judges will place greater weight upon it. Some of them will ignore it.

After all, a child has been brought into the world and there are probably some other surrounding collateral circumstances pointing towards this particular person as having been responsible, and in order to escape that area of responsibility, apart from any of the numerous other things he may seek to do, such as taking off for Alaska, he may refuse a blood test. Nobody pretends the blood test is conclusive in the legislation as such, and the whole basis of the presumptions are set upon the basis of the balance of probabilities.

By the way, I want to thank the ministry staff and the Attorney General for giving us, on several occasions within the past few days, background papers. Last Friday afternoon we received this one, called a compendium of background information relating to the Children's Law Reform Act, where it goes into a quite erudite discussion of the nature of presumption generally in the law of evidence and of the particular presumptions involved in the legitimacy of children. Of course on the basic presumption as to legitimacy, a child born in lawful wedlock is presumed; and here it weighs the various levels of the presumption as to say probability, certainty, conclusively presumed, all that sort of thing. I find it not just aesthetically delightful, from the point of view of returning to my law school days, but actually having real substantive merit in the context of this particular debate. Anyhow, we will come to it with greater penetration in committee.

I want to read into the record an historic section. When I read it I think of Thomas Hardy and Jude the Obscure, I think of half the plays of William Shakespeare, and I think of all the aeons of western history and that sometimes handsome, but usually hulky lad who is the second son, the illegitimate one, who did all the work on the farm and who

got none of the bloody recognition and who is treated like some form of coolie throughout all human history.

I want to read of the historic abolition of the coolie, if I may: Section 1(4), "Any distinction at common law"—common law is a pretty cruel business all the way through; incredible the insouciance of the English—"between the status of children born in wedlock and born out of wedlock is abolished, and the relationship of parent and child and kindred relationships flowing therefrom shall be determined for the purposes of the common law in accordance with this section."

Bless the year, jubilee 1977, that we have finally come to that. There isn't much further substance to the legislation. As far as I am concerned that's substance enough and we may have further discussion on it.

Mr. Roy: Mr. Speaker, in our discussion of Bill 61 in caucus we quickly came to a consensus that the comments made by my colleague the member for York Centre is something that was arrived at; and we were pretty unanimous on that, we have serious doubts about it.

Generally speaking, we agree with the fact that the legislation removes any distinction in law between legitimate and illegitimate children. We agree with most of the principles all the way down which deal with the question of the establishment of parentage; the maternity is generally ascertainable through statistics, records and things of this nature. Generally speaking, as far as the legislation is concerned, that's fine.

But then we proceed along to the point that has been made by my colleague and we arrive at section 10: First of all, section 10 allows one to make an application in a civil proceeding to obtain a blood test from certain individuals. We have to be careful we don't start eroding away what I consider to be basic principles of our justice. The first basic principle is the right against self-incrimination. That's a principle which dates back centuries.

We have made exceptions to that basic principle. I suppose the major encroachment on that basic principle against self-incrimination was the forcing of individuals to take breathalyser tests. You recall the fuss that was caused over that. In fact you were forcing people into situations where they had to co-operate; they were obliged to undergo a breathalyser test, and of course that evidence then was used against them.

So that's the first thing we had some serious concerns about, that we don't go ahead with this in a cavalier fashion. We

appreciate that it is in the public interest that in a paternity suit the establishment of the father—I suppose mostly it will apply to the father—is a situation which is in the public interest and that that should be determined in the most efficient and effective way possible.

But is that a principle which should allow us as a Legislature to say, in the process of doing that, that we feel that this is an important enough principle and of sufficient concern to the community of this province that we should say, "Yes, we will go a step further and we will say the right against self-incrimination will be encroached in this case and you will be forced into a situation where you will have to give a blood test."

So that is the first thing. I appreciate that this law is not like the breathalyser law which says, "If you don't take a test then you are guilty of a particular offence." The consequences in fact are as bad, because even in the breathalyser legislation a court can draw an inference from one who refuses to take a breathalyser test. But the inference that the court can draw is at least consistent with the breathalyser test which will show if you are in fact over .08 in blood alcohol level, whereas in this particular case it permits the court to draw an inference which, as my colleague has said could not be made scientifically. Experts could not draw an inference, for instance, from this blood test, that this individual is obviously the father of the child, but it gives permission to the court to do that. I hope that the Attorney General looks at this, because in committee of the whole we'll be certainly proposing an amendment to this particular section.

We're in favour of the principle of the bill; but I think those of us who are concerned about encroachment on the rights of certain individuals, or individuals generally in this province, have to be concerned that in a sort of a quiet way—and I shouldn't say surreptitious, but in a way that goes somewhat unnoticed, that again we trample on a basic principle.

I think that the comments of my colleague the member for York Centre on this legislation are very proper and I would hope from the comments of the Attorney General that he would allay our concerns about this. Maybe there is some explanation on this that we haven't seen down the way, but on the basic premise that we find that that is an offensive approach in this particular section and subsection when it allows the court to make such inference as it thinks appropriate, we think that that is going too far. We don't

think that we can support a section that would say that.

As I say, we support the principle of the bill, and hopefully the Attorney General will agree with us, or will give us an explanation.

Mrs. Campbell: I would just like to draw some other factors to the attention of the Attorney General. In the first place the member for Lakeshore has stated that there would be a body of evidence before a judge presumably before he or she would give leave. I wonder where we reach that conclusion, since in section 10(1), it seems to me it's contemplated that a judge may give an order against a number of persons to give leave to obtain blood tests from a number of people.

Perhaps if at least in the legislation it were indicated, as the member for Lakeshore has presumed, that at least at some point there has to be some evidence before this could proceed that might at least go somewhat to alleviating some of the concerns.

The other thing I would like to point out is that where in subsection 3 it is spelled out that one may draw such inferences, as the member for Lakeshore has stated it is unquestioned that judges do draw inferences from all sorts of evidence in such cases. What would occur to me is that if a person refused the inference would be adverse, in all likelihood, but if they consented would that automatically be an inference in the other direction?

It does seem to me that this particular section ought to be looked at again, unless the Attorney General can give us some sort of assistance. Obviously there is a crying need to try to resolve the problem of the conclusions of the parentage of a child, and it is in the best interests of a child, it seems to me, if one can move to that kind of conclusion. But where a blood test simply rules out those who could not be parents, I am of the opinion that we ought to look very closely at this section for those various reasons.

[5:30]

Mr. Reid: Mr. Speaker, there are a number of comments I could make about this bill but I just wanted to reiterate what my two colleagues have said. It seems to me, not being a lawyer, but from looking at it from the common sense point of view, that in fact—

Mr. Roy: Practical.

Mr. Reid: Yes. Really, in fact the blood test, as has been pointed out, does not prove paternity. It can only prove that one is not the father. Some of us are more concerned about these matters, no doubt, than others but—

Hon. Mr. McMurtry: I can see where the concerns are settled.

Mr. Reid: Yes. It seems to me rather strange really that this section—

Hon. Mr. Welch: How liberal is that bill?

Mr. Mancini: It took us 2,000 years to get this.

Mr. Reid: —should even be in the bill. My colleague from Ottawa East has referred to the breathalyser, but there's a different twist to this section in the bill in that it doesn't prove something conclusively—it proves only that something is not. I believe there are a number of different blood types but there are only two or three major blood types that most people fall into.

Mr. Foulds: Hot and cold.

Mr. Reid: The others are somewhat rare and exotic perhaps. It seems to me that this section of the bill is contradictory to natural justice. I presume the Attorney General is going to address himself to why this particular section is in the bill.

Mr. Lawlor: Natural justice now. My God.

Mr. Reid: It is if you're up on a paternity charge.

Hon. Mr. McMurtry: Mr. Speaker, this issue was quite exhaustively reviewed by law reform commissions in Canada, the United States, Great Britain and Australia, for example, and it's interesting to see what the result was. In the United States, in virtually every jurisdiction I am advised, there is compulsory testing. The Ontario Law Reform Commission and the British Law Commission reviewed the matter exhaustively and stated that it should be a matter of consent. But again, the legislation reflects their recommendations that it is a matter that the court can take into consideration.

These law commissions and law reform commissions considered the issue of individual rights very exhaustively, and of course they realize that this could hardly be regarded as self-incrimination in the sense as advanced by the member for Ottawa East, because it is not conclusive. It can only prove a negative. But having considered this matter very carefully, the law commissions in all these areas—and I think in Australia it's also compulsory—considered the fact that it was a matter that could be of assistance to the court in certain circumstances and that the right of the child—and I know that the rights of children are a paramount concern, particularly with respect to the member for St. George.

Having had the benefit of the wisdom of all these law reform commissions which, as I say, only split on the issue as to whether it should be compulsory or not compulsory, as reflected in our legislation, it was felt that although in many cases it would be obviously

of no assistance to the court for the reasons advanced by the members opposite, there are a sufficient number of cases, they thought, where an inference could be drawn, that it could assist the court in arriving at the justice of the cause. It was therefore recommended by these commissions that legislation be drafted accordingly.

I would, therefore, ask the members opposite to consider the fact that this is a matter that was not so lightly arrived at. Very credible commissions about the English-speaking world, as I say, have entered into the very exhaustive review about which I've just spoken. They have indicated that on balance it is really not a significant intrusion on the rights of the individual because, as I say, it can't prove conclusively that a person is the father, but it is of assistance and the rights of children require that the court receive every possible assistance in the individual case.

As you know, under the existing law blood tests are admissible in evidence in affiliation proceedings on consent. We are not changing the law in that respect as consent would still be required. What we're simply saying is that if a person does consent, in certain cases it would be of assistance to the court. Again, in assisting the court to arrive at a just result it is in the interests of the child and therefore in the interests of the community. I would therefore respectfully invite the members opposite, the official opposition, to reconsider their concerns in the light of what I have just said.

Motion agreed to.

Ordered for committee of the whole.

COMMITTEE SUBSTITUTION

Hon. Mr. Welch: Mr. Speaker, I wonder if I might just interrupt the order of things for a moment and have the unanimous consent of the House to revert to motions. There's to be a substitution for a committee meeting tomorrow morning and this might be the appropriate time to accommodate that.

Mr. Breithaupt: Great.

Mr. Deputy Speaker: Is there a unanimous consent?

Agreed.

Hon. Mr. Welch moved that Mr. Lawlor be substituted for Ms. Gigantes on the select committee on the Ombudsman.

Motion agreed to.

FAMILY LAW PACKAGE

Hon. Mr. Welch: Mr. Speaker, now that we have second reading of Bills 60, 61, 62

and 65 it's felt there may be some advantage, before going into the committee consideration of these bills, that opposition members who have raised some points for clarification in amendment get together with the Attorney General at 6 and discuss those points so that his staff can give them some thought during the supper time and perhaps facilitate the consideration of these bills at the committee stage at 8 o'clock.

We might then start the second reading debate of Bill 59, interrupt it after supper until such time as we do the committee work on the other bills and then resume the second reading debate of Bill 59 in order to provide some time for people to discuss their concerns with respect to the four bills just carried. If that would be in order then we can proceed.

Mr. Breithaupt: Might I suggest that if it is felt that it would be more convenient to give additional time, it might be just as convenient to call it 6 of the clock in order to allow an extra half hour or so to resolve, perhaps, some of those concerns.

Hon. Mr. Welch: We have a lot of work to do. Twenty minutes is not sufficient.

Mr. Breithaupt: Fine. It was just a suggestion.

Hon. Mr. Welch: Then the Attorney General will be pleased to meet with members who want to consider amendments at 6 o'clock. I really think he should have some notice about planned amendments because we would normally have them on Friday for today.

Since we're trying to accommodate the general wish of the House to proceed with these four bills, it would be in order, perhaps, to make sure that the Attorney General has some notice of what the members plan to do with these four bills in committee so that his staff can give some consideration, rather than have the House caught somewhat by surprise tonight in so far as the wording of these amendments is concerned.

FAMILY LAW REFORM ACT

Hon. Mr. McMurtry moved second reading of Bill 59, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Mr. Deputy Speaker: Does the hon. minister have an opening statement?

Hon. Mr. McMurtry: No, Mr. Speaker. A great deal has been said about this legislation. We've discussed it fairly exhaustively in committee and I don't think it would be of

any assistance for me to say anything more at this time. Of course it will be going back to standing committee.

Mr. Roy: Just briefly, Mr. Speaker. We have gone through second reading of this. Many of us have made relatively lengthy comments at that time. I would only just briefly mention a few of the matters that I find of interest in the new Bill 59.

First of all you will notice that we are now facing a preamble to Bill 59. I am told by the Attorney General that the reason for the preamble in the bill is that there was a feeling out there in the community that the bill was viewed as something that was more negative than positive. In other words, it was some sort of a mechanical thing to fix up a situation which had broken down and the Attorney General felt that there were some positive aspects to the legislation which could be expounded appropriately through a preamble.

So the preamble was inserted and in some measure it is in keeping with the major principles of the bill. First of all it says it's going to strengthen the role of the family in society. But as I go down the preamble, I am still concerned about one aspect that I mentioned on second reading. It is that when the preamble talks about the recognition that marriage is a form of partnership and then the legislation goes on to talk about how we are going to in some ways legitimize or give legal sanction to common law unions, I can see some contradiction there between what is recited in the preamble and what we actually do in the legislation.

While I am on that topic, I had reservations at the time that we discussed in second reading this whole common law relationship thing. It has been changed now from three to five years. There has been some other flak on it, some of it which apparently was pretty sharp towards the Attorney General. Now we are involved in the common law relationship where there can be contracts now in some ways which can control or can at least give both partners some status within the common law relationship.

I don't know. I still have reservations, and somehow I have some difficulty in expressing this concern about the question of common law relationships. We are into a situation where we say: "Yes, we believe in the family. Yes, we think that the way to control the family or the best setup for the family or the institution of the family is through a form of marriage." That's what society, or at least society here in Ontario and most societies throughout the world, are built on—on that particular unit.

The reason that people were going in the direction of common law relationships was that in some measure they wanted to avoid the law dealing with marriages. They wanted to avoid the rights and responsibilities and so on. Again we are into a situation where giving it legal sanction—apart from children I mean—the courts from a jurisdictional point of view have always recognized the responsibilities of the parents whether it was in a common law relationship or otherwise.

But when you get apart from the children and get into a situation where they can enter into marriage contracts, where after living together five years there may be certain rights and responsibilities, I still have some reservation about that aspect of it—whether we shouldn't have just left that alone, except for dealing with children.

We will be hearing some more submissions on this bill because it is going before committee.

[5:45]

The other aspect, since the bill has gone to committee and many of us have sat a long time listening to submissions from all sorts of groups on the legislation, is that the major concerns that were raised at the committee from various groups were first of all the question of family assets.

A lot of groups felt that the definition of family assets was far too restrictive. Some groups suggested that it was going too far. I can recall some of the submissions saying it was going too far, whereas some groups, especially women's groups, were suggesting it wasn't going far enough, that it should include all assets accumulated during the period of cohabitation. I can see that causing all sorts of problems.

As I tried to explain to some of the groups that were before us at the committee level, if we tried to be too all-encompassing with this, we would end up in a situation where we would drive the chiselling husband, as they used to call him, the person who was trying to get away from his responsibilities, into a marriage contract situation. There are going to be more and more marriage contracts. They are just going to contract out of their responsibilities. I am suggesting basically that that definition, unless convincing is done in a more effective way than it was done in the past, is relatively adequate for the circumstances.

The other major complaint by many groups appearing before the committee is that there is far too much discretion in this legislation left with the courts and the presiding judge. Again, we tried to explain that when one is

dealing with a human relationship, with human beings, there are no two situations alike. It is very difficult to specify and to cover all bases on this type of legislation. It is very difficult to cover all possible permutations and combinations that may well happen in a marriage relationship. In the process of doing it, every time you want to cover it, you are going to miss something. So for those of us—and I say this humbly, as one who has worked in that field in the family law section—it is always important that there be some discretion because no two situations are alike. It seems to me that, as much as some people have reservations and as much as I would like to see much more specific legislation, it's impossible to do justice to this whole family law situation by being more specific or by taking more discretion from the court.

The other great complaint in submissions made before the committee was the question on support obligations that the conduct of the applicant was a factor. Again, that is not the type of thing you can remove or just leave in the way it was before. There have been some changes. It is going to be interesting to hear submissions before the committee as to what people consider to be gross misconduct. I think repudiating the relationship is defined as gross misconduct. It is going to be interesting to see what couples or what applicants or what people in 1977 Ontario society consider to be gross relationships. I suppose that a whole system of jurisprudence will develop to determine what in fact is conduct on the part of the parties amounting to this type of gross misconduct.

As an example, some years ago I think the Highway Traffic Act was amended to say that a passenger could claim against the driver of a motor vehicle if he could prove that he was grossly negligent. It is very interesting to look at the case law and the jurisprudence that have evolved from that. Determining or defining what is gross relationship, I tell you is not easy. I suppose it would be even more interesting in the question of a marriage relationship.

Again, for those who said we should have it out completely, that the question of conduct should not be a factor at all, circumstances were given by many of us who had had practical experience in this field indicating that it was not quite that easy. Human relations are such that it is very difficult to tell one party or the other in a marriage that sometimes conduct, which can be conduct that can only be termed gross, if you will, should not be considered a factor in the determination of support.

In looking at this and sitting on the committee when we get some more submissions, I can recall our colleague who is not with us from Riverdale (Mr. Renwick) during the discussions before the committee had given some examples where not just conduct but other factors should be taken into account on the question of support and the amount of support that should be awarded by the court. So we look forward to having this bill go before committee again. We look forward to quick passage, because this is another piece of legislation which the law profession and people in this province have been waiting for for quite some time. Any delay again could certainly not be left on the shoulders of the opposition.

I look at one of the little pieces of paper that was in this red book, Family Law Reform—I think the minister said he's handed out 40,000 of these, which gives you an idea of the amount of interest in this. It states in here, "It is now planned to have the new legislation in force by September 1, 1977."

As I recall it, the minister's first date was sometime in 1976-77. So it looks as though we're going to see this legislation, hopefully—I would think the date now would be the summer of 1978.

Mr. Foulds: March.

Mr. Roy: March? March 1978. In any event, we just want to say that I think we on this side have co-operated in every way possible in being responsible in studying the legislation. I don't think we've done anything in any way to delay the passage of this legislation—and I say it again because there was some implication on the part of the Attorney General that there was some impatience out there about the passage of this legislation.

If there is, I think we've done everything possible to see the expedition of this type of legislation and we'll continue to do so and take the responsible approach towards a problem that's as important as this one.

Mr. Lawlor: Mr. Speaker, we only have a few moments left, so I'll regale you. Then we'll go off and have a gourmet dinner, I suppose, at the local restaurant downstairs.

This is Hesketh Pearson's book on Bernard Shaw and in preamble, since preambles are all around us at this moment, I will say I have never spoken in second reading on this legislation and so I will probably take a little longer than anybody can possibly bear.

"Like Peel, she"—"she" being a person by the name of Annie Besant, known to everyone in this assembly, intimately, as Madame Blavatsky, the great theorist and theosophist in

Britain; she had a rather close alliance with Bernard. "Like Peel, she had no small talk. Like Bradlaugh, she was a wonder on the platform and in private life nothing." How many people are like that?

Mr. Reid: Most of us and the Ombudsman.

Mr. Lawlor: It's usually the reverse.

Mr. Reid: Not referring to you.

Mr. Lawlor: In private life they're stupendous, but on the public platform—God help us all.

Mr. Reid: That's what I was referring to, not you personally.

Mr. Lawlor: "Bradlaugh in private life was a bore when his monologue lost its novelty (Shaw declares that the only men he ever met who were totally incapable of conversation were Bradlaugh and Charles Dilke); but Mrs. Besant was not even a bore: She was either a great priestess or she was nothing.

"Nothing was just what happened between the piano duets"—they used to do duets together—"and these were terrible. At last she found herself waiting"—

Mr. Reid: In relation to the bill.

Mr. Lawlor: "At last she found herself waiting for him in the evenings, and waiting in vain. But Annie was not a woman to be neglected or trifled with." Shaw insisted on their relations being put in order. "As her husband was alive and she could not marry, she drew up a contract setting forth the terms on which they were to live together as man and wife and presented it to him for signature. He read it. 'Good God!' he exclaimed, 'this is worse than all the vows of all the churches on earth. I had rather be legally married to you 10 times over.'" And he refused to sign it.

That's what we face with the marriage contract legislation? The prospect of these innovations quite tortures my conservative soul. Imagine launching out into that void. Now the legal profession will thank you. And with a plentitude—even plethora—of young students emerging on to the market, we do have to find work for them to do, don't we? But that is really not in your domain. That is really the realm of the fellow up behind you—Harry Parrott.

Mr. Breithaupt: Especially when we are cutting down automobile accidents.

Mr. Lawlor: That is his responsibility. Well, the legislation has been around for a long time. I have almost come to believe that it is in effect, advising everybody on that belief. There is a certain time when that needle keeps on working and erodes the

record. Well, my particular record has now adapted to the whole thing, so much so that my colleagues can tell you that I am almost convinced that there is some merit in the legislation.

You had four approaches to the legislation. You had full community property; you had third community property; you had a British judicial discretion approach; and you had what we have before us. But you took what you have and not the other things. You ignored your own law reform commission in order to bring it into being. Subsequently, the Manitoba legislation has come through.

Why the devil don't you get your legislation through a little earlier so that we wouldn't be embarrassed to have been sporting this wretched piece of legislation when we see how resplendent, how full of wisdom and light the Manitoba legislation is? How could they ever get rid of a government that enlightened? They divided between full community on one side and, with respect to commercial assets as such, into a deferred community concept. We will all come to it. We will come to a full community concept within—as Betty Friedan might say—five and

three quarter years. You might even be in office. Do you think that you will have brains enough to do it? We might even be in office. Do you think that we will?

Mr. Breithaupt: No—on both points.

Mr. Lawlor: In any event the Conservatives aren't likely to—as things stand. This is rather warped and weird and we would rather not support the legislation. But we know it would be impolitic in the extreme for us not to do so. After all being impolitic in politics is a contradiction in terms. And we wouldn't possibly want to consistently contradict ourselves.

Hon. Mr. Welch: Why?

Mr. Breithaupt: Why stop now?

Mr. Lawlor: So we peacefully go along towards our dinner break.

Mr. Speaker: Perhaps the hon. member might find this a convenient spot to break his remarks?

Mr. Lawlor: I'd find any spot convenient.

Mr. Breithaupt: So would we all, Mr. Speaker.

The House recessed at 6 p.m.

CONTENTS

Tuesday, October 18, 1977

Tributes to former Speaker: Mr. Stokes, Mr. Welch, Mr. S. Smith, Mr. Lewis, Mr. Breithaupt	853
Public health report, statement by Mr. Timbrell	855
Health and safety legislation, statement by B. Stephenson	856
Bruce nuclear plant, questions of Mr. J. A. Taylor: Mr. S. Smith, Mr. Lewis	857
Job creation, questions of Mr. Davis: Mr. S. Smith, Mr. Peterson	859
Bruce nuclear plant, questions of Mr. J. A. Taylor: Mr. Lewis, Mr. Kerrio	861
Radiation levels, questions of B. Stephenson: Mr. Lewis	862
Court facilities, questions of Mr. McMurtry: Mr. Roy, Ms. Gigantes	863
Tea and coffee pricing, questions of Mr. Grossman: Mr. Swart, Mr. Philip	865
Tax forecasts, questions of Mr. McKeough: Mr. Peterson	866
Layoff of nickel workers, questions of Mr. F. S. Miller: Mr. Laughren, Mr. S. Smith	866
Nuclear operators, questions of Mr. Parrott: Mr. Gaunt, Mr. Conway	867
Tea and coffee pricing, questions of Mr. Grossman: Mr. Philip	868
Rabies quarantine, question of Mr. W. Newman: Mr. Stong	869
Nuclear waste, questions of Mr. J. A. Taylor: Mr. Breaugh	869
Occupational Health and Safety of Workers Act, B. Stephenson, first reading	869
Good Samaritan Act, Mr. Haggerty, first reading	869
Notice of dissatisfaction re answer to oral question	870
Regional Municipalities Amendment Act, Mr. McKeough, second reading	870
District Municipality of Muskoka Amendment Act, Mr. McKeough, second and third readings	871
County of Oxford Amendment Act, Mr. McKeough, second reading	871
Municipality of Metropolitan Toronto Amendment Act, Mr. McKeough, second and third readings	872
City of Timmins-Porcupine Amendment Act, Mr. McKeough, second and third readings	873
Regional Municipalities Amendment Act, reported	873
County of Oxford Amendment Act, reported	876
Successor Rights (Crown Transfers) Act, reported	876
Third reading Bills 4, 36, 38	878
Succession Law Reform Act, Mr. McMurtry, second reading	878
Marriage Act, Mr. McMurtry, second reading	880
Surrogate Courts Amendment Act, Mr. McMurtry, second reading	883
Children's Law Reform Act, Mr. McMurtry, second reading	884
Committee substitution, motion by Mr. Welch, agreed to	887
Family Law Reform Act, Mr. McMurtry, on second reading	888
Recess	891

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
 Auld, Hon. J. A. C., Chairman, Management Board of Cabinet (Leeds PC)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Campbell, M. (St. George L)
 Conway, S. (Renfrew North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Edighoffer, H.; Deputy Speaker and Chairman (Perth L)
 Epp, H. (Waterloo North L)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Gigantes, E. (Carleton East NDP)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Haggerty, R. (Erie L)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 MacDonald, D. C. (York South NDP)
 Mackenzie, R. (Hamilton East NDP)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Miller, Hon. F. S.; Minister of Natural Resources (Muskoka PC)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Peterson, D. (London Centre L)
 Philip, E. (Etobicoke NDP)
 Reid, T. P. (Rainy River L)
 Riddell, J. (Huron-Middlesex L)
 Rowe, R. D. (Northumberland PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Sargent, E. (Grey-Bruce L)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Stong, A. (York Centre L)
 Swart, M. (Welland-Thorold NDP)
 Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Wildman, B. (Algoma NDP)
 Yakabuski, P. J. (Renfrew South PC)



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First Session, 31st Parliament

Tuesday, October 18, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

TUESDAY, OCTOBER 18, 1977

The House resumed at 8 p.m.

FAMILY LAW REFORM ACT (continued)

Resumption of the debate on the motion for second reading of Bill 59, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Mr. Speaker: When we rose at 6 the hon. member for Lakeshore had the floor.

Mr. Lawlor: At the break, Mr. Speaker, I was outlining a fairly fundamental disenchantment and general pervasive psychotic unhappiness on the part of myself and my colleagues with the legislation qua. I am not seeking to imitate a duck. I don't say, "Qua, qua." I say "qua," just as it is—just as the wretched stuff comes to us.

I was saying that it made an amalgam of deferred property and the discretionary system in other jurisdictions. I have never been quite clear as to why that has been done. It's always been a bit of a mystery. It's a kind of curious tangent to go off on. Since that's the very core of the principle, perhaps the Attorney General (Mr. McMurtry) would spend a moment or two to outline the *raison d'être* for this and for having brought this—I was going to say something of an abortion but that's not quite fair; nor could one even say stillbirth, so we are going to have to rely upon this rather anaemic child that has been produced.

Throughout the lengthy and even somewhat tedious debates that we've had downstairs, largely arising out of the legislation, the Attorney General has given considerable ground in area after area, approximating where he felt it was at all feasible, to a full community concept. But the main structure remained in place and adamantly remains focused primarily on the concept of the family assets. I don't know at this late date whether the Attorney General is amenable to extending the concept of family assets. We think it's too rigorous, too narrow. He has made some moves in that particular direction, but picayune, nothing monumental. That's the area, if the legislation is going to have greater efficacy, that the broadening would have to take place in that whole area of definition.

I confess to you, Mr. Speaker, that I do not feel since it has been so thrashed over and winnowed that the Attorney General certainly doesn't appear to be very much given to giving further ground or any other ground on that.

Mr. Roy: It is going to go to committee and we have got the majority on committee. We can do what we want.

Mr. Lawlor: We will see what comes in committee on that.

Mr. Roy: You are going to have to convince us.

Mr. Lawlor: I think it is only wise to mention in the course of it that legislation of this kind is not like ordinary legislation at all, that it is a very delicate stuff, that it is close to the bone and to the lymphatic glands of the population. A change in this kind of law which so intimately affects human lives must be handled with the greatest care and intimacy. The Attorney General in one of his statements made references to other jurisdictions and their reformulation of family law.

I remember an instance when Kemal Atatürk of Turkey, wishing to westernize his nation, so to speak, overnight in his modernization brought in major improvements in that near eastern or quasi-oriental law touching marriages. He brought it all in. It looked tremendously beautiful on paper and took into cognizance a full panoply of intermarital relationships and the relations to children, and nobody paid a damn bit of attention. The whole nation of Turkey went on its way in its traditional customs for another 25 years before it even began to dawn upon them that Kemal had passed a law altering, modifying and changing the marital relationships in that country.

Therefore, that's what can happen to this kind of law. It is not like securities legislation where they are all highly sensitive and aware of every jot and tittle in the legislation. Here, if it doesn't meet the consensus or accord contemporary in the community at the time, then the law will receive scant attention. It will be more abided in the breach, et cetera, and that's why we have to pay particular attention at this time in matters like common-law relationships.

The Attorney General has changed the period from two to five years. We can play games with numbers, et cetera; I should have preferred three. I think there is recognition of the fact that this is a widespread phenomenon of our modern society, involving mutual obligations, and which is very often sloughed off in a kind of John Stuart Mill libertarianism as between the sexes, people exploiting one another in their lives, et cetera. I give the Attorney General credit. It's in line with what has been recommended by the Law Reform Commission. He has come down fairly heavy. He came down heavier before. Public resentment and outcry were such through the committee hearings that he has been moved to extend it to five years. Again, it's somewhat petty to dwell too much on the figures. I simply say I thought three would be better. We'll leave it at that for the moment.

With respect to misconduct, that has been a bone of contention perhaps. When people begin to focus monomaniacally on a particular section of the piece of legislation, they tend to lose sight of the whole terrain, where things fit in and the just weight that should be accorded to various concepts. I indicated in committee and indicate here tonight that I don't think that misconduct qua should be removed completely nor has it been. But what has been done, I think is fine. It winnows it down.

The only thing I would want to mention at this juncture is that I would have to speak against the position of my absent colleague, the member for Riverdale (Mr. Renwick).

I want to pause here for a moment. As the only other lawyer in the New Democratic Party, I want to offer homage and recognition of how much we all miss him in this Legislature.

[Applause.]

Mr. Lawlor: As the applause indicates, we all wish him enormously well and I hope this will be conveyed to him.

I don't mention him just to take issue with him, although I do take issue with him at this moment. He recommended that it be put into a separate section, which has been done. There's some feeling that that may be a mistake. In other words, it having been segregated and given a position of special attention, the judges then may give it some kind of weight over against that long series of factors that they have to take into consideration in support obligation and give it undue weight, when the very thing we were seeking to do was to play it down and to give it the just but subordinate position over against everything else that we desire that it should have.

We may have to reconsider on that and put it back into the other area so that conduct as such may tend to get lost a bit, because, as we know, numerous groups that come before us are somewhat suspicious of judges and at least the traditional lawyers.

Hon. B. Stephenson: And even more so lawyers.

Mr. Lawlor: They think that because they gave such an enormous emphasis to conduct in the marriage as to who was at fault and to tracing out and making judgements upon the acts of one party or the other, when we all know that most marriages break up on the basis of a fairly good distribution of fault on both sides.

In any case, thank heavens, that type of judgemental attitude towards marriage gradually is being evaporated in the modern world and that is no longer the central core. But for many of the long-sitting judges, it is so rooted in their groin that they would have great difficulty indeed to give it the kind of weight that my friend and I are interested in.

I further agree with the Attorney General on this, and I would even like to quote from a mysterious source. In other words, I quote the devil as scripture. The Attorney General says somewhere:

"Take, for example, the case of an alcoholic husband who is prone to violent physical attacks on the children and who is unemployable because of alcoholism. Or consider the wife who goes off to live with another man because he fulfils her emotional needs better than her husband and leaves him with the kids; the other man lives on welfare and the wife has no job skills. Can we say to the wife in the first example or to the husband in the second, 'You must provide support for your spouse regardless of his or her conduct'? In both these cases the need of the spouse has been self-created; that is, created by his or her own conduct. I wonder how willing the spouse ordered to pay in such circumstances would be to live up to the legal obligation of support."

There can be no doubt they would default on support. They would resist it. They would fight it to the last inch. They would probably in some instances be prepared to go to jail before they would be prepared to pay, and I don't blame them a bit.

Today, as W. H. Auden once said, "we are all Freudians." We think that sexuality governs everything. There seems to be no cruelty left in the world and no drug addiction and no various forms of alcoholic intake. These factors get lost over against the bickering or the mutual animosities that are en-

gendered out of a purely sexual appetite. So, let the libido squirm, I say. I am concerned with the correction. While dear old Freud tied one in deeply with the other, I won't go along with him. I'm Jungian tonight and pace, Sigmund.

[8:15]

Those are considerations that must be taken into account and justifiably permit us to retain, in my opinion, the gross conduct business, whatever it means. When we have our committee hearings we will find out what the general public thinks it means and whatever you and I think it means, it means nothing, as you well know, until some judge who thinks it means a great deal, says so, and then frustrates all our purposes. All we good-intentioned people are as nothing as against a judge of 25 years' standing. Then, I suppose, we have to keep on amending it until such time as instructions are thoroughly laid down but we're not doing that tonight.

There is one case in which the Attorney General should have made—I won't say the fundamental compromise—I mean he should have taken the categorical choice, the categorical choice of the matrimonial home. There, he didn't have to temporize. He didn't have to fence sit or go off into deferred concepts. Why did he bother? There's no deferral necessary. That's the one place where there should have been full community of property called, *ipso facto*, joint tenancy, right from the word "go," all through the duration of cohabitation. He would have satisfied a great many people, particularly women's organizations if he had made that particular gesture.

I want him to give some consideration to it at this date, at this time. There's plenty of time, this thing won't come on; he's got lots of time to think about it. It probably won't come on until after Christmas but, if we can arrange it as we talked about it here in this House, to bring it on before and bring this legislation to fruition before that time, so be it. He has a little less time to think about it.

But why make that deferred? He has to concede that logically and legalistically both, what he has done in these particular sections is effectively grant community property. He says whichever spouse owns the property, they can't sell it, they can't deal with it, they can't mortgage it, they can't lien it, they can't do anything with it legally without the consent of the other spouse. So why not give the thing its full weight, its scope and its amplitude from the word "go"? Why does he play with these things? There seems to me very little point in pressing that particular aspect.

In the next area, I would just like to mention the marriage contracts themselves. A marriage contract is the pivotal and guiding instrument in the Attorney General's legislation. Everything turns upon it. One can pretty well, in the marriage contract, except for several items, do whatever can be agreed upon between the parties. It being so crucial and axial to the whole operation, what was recommended to the Attorney General by some lawyers who appeared before the committee, such as the necessity of independent legal advice, perhaps should be embodied in the legislation making that a requisite, and so forth, so that these contracts, which are going to become far more pervasive than they presently are, are going to govern, in the future, most marriages, let's face it, because people will want to distribute their so-called family assets, so-called, in a quite different way than what he has disposed of within his legislation.

Because he has made his legislation the way it is, they're going to be obliged, if they want to set up alternative arrangements, precisely to enter into a marriage contract. So these new instruments will become deep-rooted in the community, will become an acceptable thing and the fewer exceptions that can be worked into it, the better.

One of the exceptions is, obviously, the matrimonial home itself. That must be accepted as it stands. Another one is that it will be recognized in a support application, it may be varied, modified, changed and radically changed in the course of court proceedings. That is, of course, the way it should be.

Finally, with respect to children, section 55(2) says, "In the determination of any matter respecting the support, education, moral training or custody of or access to a child, the court may disregard any provision of a domestic contract pertaining thereto where, in the opinion of the court, to do so is in the best interests of the child."

Those are the three salient exceptions in the legislation as it stands and I don't suggest any change in those exceptions. I may very well have some changes in committee, adding to what may not be varied or contracted out of.

For the rest: I am willing to accept small gains, even from the Greeks—that they bring in the large-headed horse, or their little burgeoning cornucopias in the fall with a few grapes at the bottom where you can hardly see them. I am willing to accept that. We must be humble in this life and when there are small gifts given, great hearts respond. As R. D. Laing says: "Let your heart be like the

sun, shine alike on everyone." This is what the Attorney General has done to us. But if he had only included the last two pages of the legislation as it stands, I would perforce, as a somewhat weary lawyer, be obliged to vote for the wretched thing—because he has abolished a lot of things.

It is not what he has done but what he has undone whereby he's blessed. In a dark seduction—criminal conversation, alimony, enticement, loss of consortium, all these sacred cherries of the law which we worshipped not 10 minutes ago, or should I say 10 years ago. You don't know how many hours were taken up talking about the loss of consortium, for heaven's sake; and with the wave of his hand, the magician has caused them all to evaporate into air—yea, into clean air, leaving not a wraith behind. It is just something marvellous that he can perform, and we can perform in this chamber.

All these otiose old doctrines are disappearing down the drain. That alone is heart's balm to the last warrior at Wounded Knee.

Mr. Kerrio: It is a great man who follows that act.

Mr. G. Taylor: It is better than following a dog act, anyway. Mr. Speaker, I am pleased this evening—

Mr. Reid: Or vice versa.

Mr. G. Taylor: I am pleased to be able to speak to this legislation this evening as one of my first moments of talking on such legislation. As a lawyer, I have practised greatly in this field.

Mr. Reid: You have ruined your credibility.

Mr. Martel: You should never have said that.

Mr. G. Taylor: I have seen the wreckage that it puts through. I have seen the divorces that go through my office. They talk about divorce mills where you gain the experience from this, and I applaud the Attorney General and this government for putting forth such legislation. It has a long gestation period. It has not been without problems to arrive at this stage.

The family law has developed over many years and the common law has developed in that area. The Attorney General has put forth a piece of legislation that will take care of that. It has gone through, as we are all aware, the law reform commissions, bar associations, lawyers and social agencies. It has been studied and recommended upon. This government has seen it and it has acted. Albeit it may not be, as the critics will say, the most perfect of legislation, but it is a piece of legislation that is trying to improve upon a situation.

The family structure is something in our society that we must preserve; it is something that when it ruptures and when it breaks down, the emotions overcome, and they overcome rational thought to a point that the human wreckage spews forth upon all parties—children, spouses and those associated with them. The wreckage may be from revenge, from greed, from guilt and jealousy, but it is there. It is often the result of archaic legal principles and laws which were behind the social customs and theories of our times, and not in accord with the reality of today.

Where our laws are inadequate, we try to meet those needs. Here, this piece of legislation will meet some of those needs. Where the laws have been inadequate to meet reality, we hope that this law and this piece of legislation will come forth and be closer to reality. Where the laws are inadequate because the Legislature will not act and had not acted sooner and forgot the human emotions, this law pleads forth to solve those human emotions with this, a family piece of legislation.

This legislation has human elements in it. It puts predictability into the law where it was not before. That's where the problem was created—the lack of predictability for lawyers and for spouses and for legal advisers in this piece of family legislation that would not end squabbles quickly but would proceed, in fact, to enhance the squabbles because there was not the predictability in law that was necessary to end the squabbles.

The permanence of the family is something necessary in this society. We have all come to that conclusion; it is not new, it is not original. However, a portion of our population will not remain together as a family unit, and we must recognize that. We must prepare for their needs. It is probably not desirable that these family units break up, but that they stay together. But if the determination is upon them that there is going to be a severance, then let us prepare for it, let us bring forth legislation that will allow for it to be as amicable as possible.

This legislation brings home at the outset of the marriage its importance that there should be maintained a family unit. Where the unit fractures, where the family relationship goes stale, where it ruptures, indisputably there is an end to that marriage. But it then must be taken care of so that the human element is looked after.

I have been in situations where they argue over the most menial and trivial of things, like records and books. Those should not be, but our laws at present provide for that type of squabble, and that should be ended. How sad it is that the economic factors.

which already magnify the disharmony, should be bedevilled by an antiquated legal structure. This type of legislation should rectify that. Our law should not be as it is.

This legislation should create a new system of law dealing with economic relations between husband and wife and children. While there is a shredding of the marital ties, let the legal system put together a better future for them. It recognizes the contribution of both spouses to the marriage as an economic unit. It recognizes the splitting of that economic unit. It recognizes by a set of rules with predictability that the major asset, the matrimonial home, which probably more than anything else gave cause to many of the squabbles, should be dealt with equitably.

This bill will be a code of economic relations between the spouses upon the severance of that union. The division of the family assets amplifies the existing problems at a time when the brutality of an economic dispute is not at all needed. Here we fought over useless things, amplified often by lawyers who took the participants and took them into needless disputes, because even they could not recognize what the law was and what it should be.

[8:30]

This bill recognizes also greater economic relationships, those that would be developed between a husband and wife, maybe for estate reasons, business reasons, various economic reasons—these have been created. This bill allows for those to be settled early in the marriage. It also allows for their settlement by judicial discretion. Oftentimes we do not put upon the judiciary the tools to allow them to settle disputes. But here, this piece of legislation is one that will give them a greater deal of comfort to be able to allow them to settle disputes in a more amicable arrangement between the parties.

The support obligations have not been unnoticed in this piece of legislation. There has been an equality in recognition of the sexes, of their contribution to the marriage, of their endeavours to put together a unit, but then upon severance let's recognize what they have put in to the union. It confers no privilege upon either one but recognizes their support, to each other and to their children and those that are dependent upon them.

This legislation allows for a great deal of flexibility within the family. It also encourages settlement; when you have predictability of rules it encourages and enhances a settlement to a quicker conclusion than one where, if the rules are not precise, the burden of dissolving the marriage is lengthened by arguments over it.

Mr. Lawlor: The Attorney General seems to have taken you in.

Mr. G. Taylor: With this greater predictability this piece of legislation is of greater satisfaction to the legal profession. It is of greater satisfaction to the judiciary, so that they might be able to settle a legal predicament that has been upon us.

Mr. Bounsall: All that business flowing their way.

Mr. G. Taylor: The marriage contract will possibly bring to those embarking upon marriage the realities of the bed, the betrothal and the breeding, so that we will be able to recognize those things before they embark. It is often said, "For \$5 I get into this, and for \$500 plus I get out." This recognizes that and puts the burden upon those entering marriage early in the situation. The insertion of the marriage contract may strengthen a union, which may be then accorded the church, the clergy, the state, the accountants and lawyers, so that all are in on it at a very early stage rather than at a later stage.

We have the obligation of the spouses to the children of the union, till now often forgotten. Here there is one recognition that a custody order may go forth without that economic union of dollars being attached to it.

So again, many situations that have not been covered before, the Attorney General has covered in this piece of legislation.

This bill, I suggest, will be innovative. This bill will resolve many of the problems perplexing the matrimonial laws of this province. This will cure some of the ills.

To some it may be too futuristic. I'm not unmindful that there will be critics of this piece of legislation. It may not be perfect, it may not be the ideal, but it has embarked upon an area that has not been touched before. It has embarked upon areas that hitherto have given to the profession, to the spouses, to the judiciary, too many problems. These may be overcome by this piece of legislation. I hope they will.

The bill will lessen the burden, the wreckage left by unleashed emotions which, assisted by an outdated legal system, destroy many a possibility of solving matrimonial disputes. Let us hope that this piece of legislation will pass quickly through committee and this House and put some harmony into the dissolution which may before not have had that harmony.

Mr. Lawlor: Hallelujah.

Ms. Gigantes: I rise in support of this bill—in support because although the bill is not good enough to provide a public reflection of the equity we feel to be vital in good family law, I feel it's not bad enough to be rejected in principle.

Ontario has waited so long for reform on the subject of property rights and support obligations attached to the family relationship that this bill is a major relief, even though it's far from ideal. As most housewives would probably agree, half a loaf is better than none. It is a paradox that it is in the dissolution of a marriage that we can examine the degree of equity that exists in the institution of marriage. It is sad to see that this bill does not provide for the full equity of the partners in marriage. I'll concentrate on two points to explain this judgement.

First of all, there is the definition of family assets within the bill. Section 3 of the bill defines family assets as follows: "Property owned by one spouse or both spouses and ordinarily used or enjoyed by both spouses." These are the family assets, which according to Bill 59, will be equally divided between the partners in the event of the ending of the marriage.

But is it easy to see how limited a notion of equity this definition implies and how limited a reality of equity it would provide in many cases. One partner, for example, may own property which is not "ordinarily used or enjoyed by both spouses." Or one partner may hold money in an account which is not ordinarily used for family expenses. This property or account would not be included as family assets within the definition of this bill and would not be subject to equal division between partners, in spite of all the flowery words we heard from the government benches just a moment ago.

I would like to quote briefly from a brief which was sent to the justice committee, which had been considering an earlier version of this same bill, in the spring of this year. It came from one Dianne Baig who is a member of the social planning council of the Lakehead.

"The Ontario government has chosen to ignore the deferred community system recommended by the Law Reform Commission and institute instead the family assets approach which, it claims, is a blend of the judicial discretion and the deferred community systems. The deferred community system recognizes marriage as an economic partnership. Upon marriage breakdown, the product of the marriage, that is, accumulated assets, minus what each partner brought into the

marriage, and excluding also gifts and inheritances from people outside of the marriage unit, are divided equally.

"In the position paper entitled, 'Remarks of the Hon. Roy McMurtry, Attorney General,' at the Law Society of Upper Canada program on family law, July 30, 1976, at page eight, the government gives its reasons for not following the recommendation of the Law Reform Commission, reasons which on examination are non-substantial. The government is, in effect, paying lip service to the idea of marriage being an equal partnership and, at the same time, severely restricting the assets which are liable to division on marriage breakdown."

There has been an improvement in the legislation that is before us, compared to the legislation that we looked at in earlier sessions. I will read a section of the bill which, I believe, will allow in Ontario under this legislation one partner to be able to make application for consideration of sharing of the old interests of the family on the breakup of the family which was not permitted under the old bill—certainly not with the kind of wording that this bill directs towards judges and lawyers.

In section 7 we read: "Where one spouse or former spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of property other than family assets, in which the other has or had an interest, upon application the court may by order

(a) direct the payment of an amount in compensation therefor; or

(b) award a share of the interest of the other spouse or former spouse in the property appropriate to the contribution,

and the court shall determine and assess the contribution . . . without regard to the relationship of husband and wife or the fact that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances."

I hope it is this section, because the others would not provide for it. I hope it is this section which will ensure that in Ontario under the legislation the famous Murdoch case would not be repeated. I hope that clause will give the protection that is required for the dependent person in a marriage to have access to a sharing of all the wealth, if you like, Mr. Speaker, that is owned by the family.

On the second point I wish to raise, the whole controversy that has gone around the question of conduct and whether or not, in legislation of this kind, the conduct of the

applicant for a benefit in a division of equity should be considered. A previous bill, 140, which was the forerunner of this legislation, defined that in determining the amount of support to be paid to one partner by a second, the court should consider "any course of conduct by the applicant tending to repudiate the relationship."

I feel, and my colleagues on the justice committee felt, I think, and still feel, that that clause is much too wide open to see a repetition of the kinds of judgements that have been made on the behaviour of the dependant, who is usually the woman, in terms of trying to decide how much that dependant shall be allowed to benefit in the division of the equity, the wealth of the family.

I would like to read briefly from a submission on this point of conduct sent to the justice committee, in earlier consideration of earlier similar legislation. The provincial council of women is not particularly noted for being wild-eyed. It's a very responsible group and I think its submission to the justice committee was of high quality. This is what it has to say on the question of conduct:

"Should fault matter in awarding support? Last January, Judge Steinberg in Hamilton told a panel on this subject which was co-sponsored by the council that fault should be retained, because if people didn't feel guilty and hadn't even been found at fault by the courts, they could never be made to meet their existing support obligations.

"He failed to add that at least 70 per cent of men owing support don't meet those obligations anyway. Obviously court-decreed guilt doesn't provide much in the way of positive reinforcement. Various individuals," including the Attorney General himself, "have argued that some behaviour is so gross that if a court were required to overlook it, this would instil a sense of gross injustice in people. And yet neither the existing law nor the proposed law talks about behaviour so gross that it cries to heaven.

"Existing laws contain certain conduct conventions—desertion and adultery, for example. These acts are easily established. These acts are also typical of behaviour during the breakdown of a marriage relationship. They are the outcome, the result of a problem. Often they are the end result of years of psychological warfare waged by the so-called innocent party. It is widely accepted that these conventions mock the concept of justice and often discredit it.

"Similarly, the proposed law merely refers to conduct tending to repudiate the relation-

ship. The proposed law does not speak of gross conduct. It does not stipulate that this conduct must have occurred during the time the spouses lived together. Thus, a dependent wife, the victim of, say, 15 years of psychological bullying by her husband, who leaves, deserts, will probably still have no claim to support. Yet, she worked within the partnership for years and has never developed an ability to support herself because of her work within that partnership."

[8:45]

The council went on, Mr. Speaker: "If the Act means gross behaviour it should say gross behaviour; otherwise, you know as well as we do that the judges in our courts—judges are people and hence like most of us creatures of habit—will continue to use the same discredited case law derived from the application of the principle of fault when they are deciding support questions.

"In concluding our comments on fault we must refer to the tragic effect which interminable wrangles and artificial convictions have on the children involved. Is it worth it, simply to provide a rationale for collecting support? It's hard to believe that a concerted effort to establish a climate of toleration would not do at least as well financially and much better emotionally for all concerned."

Those were the comments of the provincial council of women looking at the previous bill. We're pleased to find in the new bill some change on this subject. Bill 59 has a change in the wording on the subject of conduct. In section 18(5), it reads as follows: "The obligation to provide support exists without regard to the conduct of the spouse requiring the support, but the court may limit the amount of support having regard to a course of conduct that is an obvious and gross repudiation of the relationship."

I would prefer to see all mention of conduct removed from the legislation. Obviously, what we are dealing with in Bill 59 is a big step forward from the previous bill. It's better but it's not good enough. There is, for example, no limitation on the time when this gross and obvious conduct is judged relevant to the alleged repudiation of the relationship. One would think that the time should at least be limited to the period of co-habitation.

I'd like to mention one final problem, and to begin with I'll refer back to the quotation I provided earlier, from the brief to the justice committee by the provincial council of women.

Mr. Speaker: I must remind the hon. member that that was in response to a previous

piece of legislation that we're not dealing with tonight.

Ms. Gigantes: Exactly. I wish to point out that this is why I can support this bill—and with these clauses in it—more easily than the last bill. There has been improvement which I'm pleased about.

The provincial council of women in the earlier brief noted that 70 per cent of men owing support don't meet their obligations. For many men, the case is simply that they can't meet their obligations. But there are many who can and don't. Bill 59 provides for garnishment of wages in such cases and assigns priority to attachment of wages to meet support orders over attachment of wages for any other purpose.

Further, the sections 26 and 27 of the bill provide that notwithstanding the Proceedings against the Crown Act, employees of the Ontario public service can also be subject to an attachment of their wages. There is no such protection provided for a dependent partner whose spouse is a federal public servant; and it's obviously outside the jurisdiction of the government of Ontario to provide for change in the privileged status of federal public servants or remove their haven of attachment-free wages.

But—and this is a very important matter—the Ontario government could bring enough pressure on the federal government to amend its own legislation on the question. I believe the Attorney General of Ontario could win the co-operation of the federal government on this matter if he would, and I think he should.

Particularly coming from the Ottawa-Carleton area, I've run into a number of women who, in spite of court orders for support from former husbands, do not have any security of support or in some cases any support paid to them because of the legal interdiction against the attachment by the Crown of wages of federal public servants.

The Attorney General told us in the spring, when we were considering Bill 140, that he would pursue the federal government for the required reform on this point. I would like the Attorney General to provide the members of this Legislature with whatever correspondence he has had on this question so that we can know the degree of vigour with which he's fulfilling his commitment to members of the justice committee. Women in Ottawa are waiting for this change.

Women in Ontario are waiting for the family law reform contained in this bill. It's a reform which is urgently needed and which we must pass, with reforms, with all due, deliberate and considered energy.

Ms. Bryden: Before I commence I would like to take this opportunity to congratulate you, Mr. Speaker, on your elevation to the very high office which you now occupy. I don't think a better choice could have been made. We have admired your fairmindedness as Deputy Speaker in the past, and we look forward to many sessions under your fair-minded tutelage.

Mr. Reid: Benevolence.

Ms. Bryden: This bill is somewhat unusual in that it has a preamble. Preambles are not very common in Canadian legislation. You find them much more in American law. I'm not sure whether I think we should be adopting Americanisms, certainly not just for the sake of adopting them. We should look rather at the purpose of a preamble. It seems to me that it can be one of two things, either a statement of motherhood or a statement of philosophy. If it's the former, it is certainly redundant. If it is the latter, it is liable to provoke some disagreement among members of the House who represent different philosophies in their respective loyalties and their respective beliefs.

It also is questionable as to what is the role of a preamble before the courts. To what extent should a judge take it into account in interpreting any of the following sections?

I wonder about the motivation of the government in putting in the preamble, because it deals with three points. First, it says that "it is desirable to encourage and strengthen the role of the family in society." I think most of us would support that principle but when we look at the details of the legislation one wonders whether it really implements that principle, because the thrust of the legislation is not to strengthen the family but to deal with the breakup of the family and to envisage the breakup of the family.

The fact that the legislation, in its latest versions anyway, recognizes such a thing as a cohabitation agreement in addition to a marriage contract indicates that the legislation has a rather broad view of the family. It probably is a recognition, though, of our present society where there are a good many common-law marriages and there are a good many reasons why people enter into common-law marriages and it probably is desirable to recognize them in the legislation, but some people may ask, "Is this encouraging the family?"

The third thing in the legislation which perhaps goes contrary to that premise is the stress on the adversary system. There will be a great deal of the settlements under the legislation which must be effected through a

court, and the stress on the adversary system as opposed to attempts at reconciliation, at pre-breakup counselling, and so forth. This does leave one to wonder whether the legislation really is designed to encourage and strengthen the role of the family.

The second point in the preamble is a statement of the equality of men and women in marriage and to recognize marriage as a partnership. I'm sure that all of us agree with that statement but it has been enacted already in previous legislation in this House and I'm not sure whether it advances the concept any further.

The third point in the preamble is recognition that there should be an orderly process of settling the affairs of the spouses when there is a breakup. I think that is a gratuitous statement. It leads one to feel that the preamble is largely a window-dressing statement which is not fully supported by the actual implementing sections of the Act which follow. It is, perhaps, a statement of the intent of the Act in the three sections of the preamble but, as with a lot of other legislation from this government, we find that the intent is not always carried out by the details when you look at them closely.

For instance, we are not satisfied that the bill does achieve all the objectives and we have pointed out some of the shortcomings of it. We're pleased to see that some of our objections have been met in the third version which is now before us and some of the points raised by people appearing at the public hearings have also been met.

For example, we noticed that in considering the amount of support, losses of a pension benefit have been taken into account. We also noticed that the statement of how to value the spouse's contribution in determining her share of a commercial asset has followed the wording of section 1(3)(c) of chapter 41 of the 1975 Act which we had suggested should be incorporated into the new legislation because this wording, I think, would prevent a Murdoch case decision and I think it does provide that the spouse's contribution as a spouse, regardless of her contribution of work or money, is recognized in the buildup of assets. So those two things are valuable advances from one version to the other.

However, our main criticisms of the bill's deficiencies have not been met. For example, the definition of assets is still much too narrow and does not really provide for equal sharing of property. Most commercial assets are excluded, except under very specialized circumstances where the judge can take them

into account when a case comes before a judge.

The family home, as my colleague has pointed out, is not vested in the two spouses but becomes a matter of deferred ownership after the breakup of marriage even though there is the right to occupy it during marriage.

[9:00]

There is the question of retaining the consideration of conduct, although here, too, the government has listened to some of the complaints and has considerably modified the wording so that the conduct that is to be considered is conduct that amounts to "an obvious and gross repudiation of the relationship."

While we have our reservations as to whether even that should be included, I would hope that the jurisprudence will show that that section is very rarely used, if at all, because I think that when it's a question of maintenance, people enter marriage for better or for worse and they are entitled to maintenance if one has suffered a disadvantage during the marriage.

We also think there is still too much discretion left to the courts in the law and that there should be more outright rules about the sharing of assets so that fewer cases will have to go to the courts. There will thus be less of a bonanza for the lawyers. There will also be less call on the legal aid fund. Overall, there will be less of this **adversary relationship** and the dragging into court of all sorts of family matters, which can do very little except exacerbate the bad relations that have led to the breakup and which can have profound effects on the children as well.

Another defect in the legislation, I think, is the extending of the recognition of a common-law marriage from two years to five years. This seems rather too long. If we are going to recognize common-law marriages, I think a shorter period would be desirable. Under the Workmen's Compensation Act, a common-law marriage that has been in effect for two years is recognized for the purpose of benefits. I would ask the minister if he would answer whether or not that particular right under the Workmen's Compensation Act to receive compensation benefits would be affected by the definition of a common-law marriage under this Act.

Despite these defects, we have decided to support this bill on second reading because we feel it is high time to start clearing away the cobwebs and archaisms in our family law legislation. In fact, Ontario is now behind other provinces in this process, as it is in a lot of other social legislation. Manitoba has a much better Act on the statute books already

and I doubt very much if the new government there will have the courage to provoke the wrath of most women and a great many men in the province and repeal the bill or water it down.

This government has been dabbling in this field since the spring of 1975, when it brought in a very simple bill declaring that married men and women were equal before the law, but that didn't go very far to remove all the cobwebs and the archaisms in our family law. Since then the government has produced three versions of this bill, held a few public hearings on the first version, and then scuttled version three by calling an unnecessary election which made very little change in the composition of the House.

Mr. Martel: A \$6 million roll or a \$3 million roll, I'm not sure which.

Ms. Bryden: Right, it cost the taxpayers probably \$30 million and simply delays for another year the adoption of any family law reform. We think the government should bear the blame for the delay in this legislation and we regret that the women and men of Ontario have had to wait so long for some modernizing of family law.

It may be that the legislative logjam which the government has created by its unnecessary election will delay further consideration of this bill before the end of the fall session. We hope that will not be the case and that the bill will be given the kind of priority it deserves. We hope and pray that it will not be allowed to die again on the order paper. Unlike cats, legislation should not have nine lives, and this legislation has already died twice.

Despite its shortcomings, we intend to support it. I think there are three reasons why I feel I want to support it. One is the inclusion of section 65, which re-enacts the statement in the 1975 legislation about the equality of married men and women and their independence before the law, and the fact that they have all the rights of an unmarried person. While this is a re-enactment, I think it is worth restating and I think it may have effects far beyond the field of marriage break-up. I think it may have an effect on the whole attitude of men and women towards each other and towards the question of equality of the sexes.

A second reason for supporting it is the wording in section 7, which I have mentioned, which recognizes the contribution of the spouse who stays in the home and contributes to the child-rearing responsibilities while her spouse may be developing commercial assets.

The third reason for supporting it is the sweeping away of all the archaic family law which my colleague from Lakeshore mentioned and the bringing up to date of some of our ancient statutes. In many cases these changes should have been made long ago. Only a moribund government would have left the cobwebs around so long.

For these reasons we are prepared to support this first tentative step in family law reform. We hope it will not be the last and that we won't have to wait another 34 years for some more steps.

At the same time I want to indicate to the government that we do not think this is the be-all and end-all of family law reform. We think the government must undertake much more positive steps in addition to this law to strengthen the role of the family in our Ontario society. It must do this by action in such areas as the provision of affordable housing, helping parents with handicapped children to cover the extra costs that they incur, and seeing that things like family counselling are adequately funded instead of being the first areas subject to the savage cutbacks of the Treasurer (Mr. McKeough). Day care is another area where they must advance, rather than follow the trend, which is to eliminate practically any new day-care development this year.

In addition, we want to see much more action from the government in reducing the dependency of women so that it will not be as necessary to require spouses to provide financial support for each other. The federal Law Reform Commission, in its booklet on maintenance on divorce, said:

"What the law should not do is perpetuate or sanction the idea that marriage itself is an arrangement provided by society as an alternative to full participation by women in all levels of the economy or to retain female dependency roles that furnish a convenient rationalization for denying women an equal opportunity to do so."

We must have more vigorous action to put women on an equal basis with men in job opportunities, in education, in retraining. We must have action to raise women's earnings by application of the principle of equal pay for work of equal value. In addition, we must see that whichever spouse takes on the responsibilities of child-rearing is given the opportunity of part-time work and of retraining when they re-enter the labour force.

It should of course provide for the provision of adequate daycare. In fact, there is a danger that this bill may lead women to believe that the only way they can escape from dependency is to arrange for a marriage

breakup and hope that a judge will give them an adequate allowance to ensure their independence. Of course, that is not a solution that we are recommending.

The elimination of dependency will also depend on a change in society's attitudes towards the responsibility of child-rearing. Both spouses must accept equal responsibility for it, and if they prefer to have one specialize in the discharge of this responsibility, there must be arrangements under the law which will adequately recognize the value of that contribution to society, and will ensure that whichever spouse takes on the work of child-rearing is not at a disadvantage with the other in regard to either remuneration or career opportunities.

I hope the government will consider these additional positive steps that it must take in this field of encouraging and strengthening the family, removing the disabilities which women suffer under the law and eliminating the barriers to full participation in society by women, which have resulted from the position of dependency for many of them.

It is only a step along the road, but as we all know the saying goes, "Every journey starts with the first step."

Mrs. Campbell: Mr. Speaker, I don't intend to speak at length on this matter at this time. I think that full debate will come in the committee and that that is where it appropriately should occur.

I would like to say a word or two on the matter of conduct because it has been something which has been disturbing to me for a long time. I suppose in part one finds it difficult to dissociate oneself from that which has been taking place in our courts and in our statute law over the long years, where without question the matter of conduct was related in precise terms to the conduct of the female in the marriage situation.

When you approach the matter of conduct in this particular bill you tend to relate it to the past experience. I think this is quite appropriate for all of us who have been very much opposed to the specifics in the *Deserted Wives' and Children's Maintenance Act* and other pieces of legislation which allow a judge no real opportunity to look at the facts of a case if one finds, for example, a wife has been proven guilty of adultery.

So that in looking at this particular situation, I suppose that the first view one has of it with that experience is that when conduct is raised in this bill in any form, it is apt to relate unfairly to the female portion of the marriage.

[9:15]

However, I had the opportunity some months ago to speak at OISE on the matter of battered wives. I may say that those with whom I spoke who had been battered would not wish to be in a position where they might at any time have an order made against them for the support of a battering husband. I think we have to get this into that kind of perspective. I would hope that there would be very full discussion of the matter of conduct when it goes to the committee.

As for the other matters, there are two of them which have disturbed me throughout. I certainly am concerned about sections 16 and 17 of the bill. I would like to urge when it goes to committee that we might look very seriously at those two sections because I wasn't present for all of the deliberations and I am wondering if perhaps those two sections were somewhat lost in the general concerns of the marriage, the marriage breakdown and support and these sorts of things.

I am aware that it seems to be, if I may make an inference legally or otherwise, a matter of the philosophy of the ministry that if parents haven't established a relationship with their child whereby at the age of 16 the child wishes to leave home, there is very little that anyone can do about it. There are certainly those children who ought to leave home because of the damaging effects of the home. I do have a very real concern about this provision because so often one sees a child at the age of 16 making all sorts of determinations which, had there been an opportunity for the child to remain longer at home, there might indeed have been a different result in the manner of the life of that child.

I feel that in some ways in subsection (b) there is almost an encouragement to everybody to ensure that the child does not remain. I wonder if (b) couldn't be strengthened at least to consider the fact that the child is unable by reason of illness or disability or—something to this effect—is at the point in time in an educational institution, something which was brought in by way of an amendment a few years ago, because when one says unable to withdraw then one does sort of infer that the cause must be something in the nature of a disability of one kind or another.

I do feel that we should make it clear. We must remember that in these cases so often there is a family breakdown and almost any kind of excuse is given in order to evade responsibilities for maintenance of a child beyond the age of 16. I would like to have greater protection built into that section if, in fact, the committee is of the opinion that that is appropriate—certainly being in the charge

of a parent, but unable by reason of illness or disability, fine.

The other clause I think ought to be clarified at least with reference to education and educational opportunities for the child. I would like to say that this is strengthened. I don't know the interpretations at present, but of course in the legislation with which I was most familiar it was in precise terms and it certainly made it a lot easier to try to enforce orders, for example, for the protection and maintenance of a child.

I also feel that when it comes to a matter of conduct we ought at least to be very careful that we have very strong provisions under section 17 on the obligation of the child, because certainly I have had representations made to me by young people in our community and they feel very strongly that, having in mind the conduct of the parent in this particular case, they would leave the country before they would undertake any sort of support.

I know that this matter will be going to the committee. I don't know whether my remarks would be helpful to the committee but I give them for what they are worth and trust that at least the committee will give due consideration to those two sections and not perhaps spend all of its time on the other sections which have been debated at length in the past.

Mr. Bounsall: Mr. Speaker, in the debate on this family law reform bill's predecessor, Bill 140, on November 18 last year, I expressed my severe disappointment with the approach taken in the family property section of the bill, and outlined my objections and my position carefully as to what I would like to see—indeed, felt very strongly should be—in any family law reform bill in the province of Ontario.

I concluded my remarks in that debate by saying, and I quote, "I don't really see this bill, therefore, as much of a step forward at all. The bill is such that I will not vote against it now. I would hope we would have many amendments in committee. There will be many points that need to be discussed fully in committee and I look forward to that. But I really feel that I could not support the bill on third reading if some really significant, basic changes don't take place in the family property section at the committee stage."

The previous bill has gone through extensive committee hearings and there have been virtually no basic, significant changes in the family property section. I therefore, cannot vote to support this bill in this form and feel that there is no way that this bill can be

amended to reverse the attitude that one sees expressed in the family property section.

I still support, in full, the approach taken by the Ontario Law Reform Commission in which all assets acquired since marriage are divided equally, including the appreciation on all assets owned singly and separately before marriage and the appreciation on things such as gifts, inheritances and damage awards. Those last three, in my opinion, are the only items attained since marriage that seem reasonable to exclude from the capital split. But again, the appreciation on those three items certainly should be included in the split.

Anything short of this, in my opinion, does not recognize that marriage is an equal partnership. The provisions of this bill, with its very narrow definition of assets and with all divisions in any dispute left to judicial discretion, do not in any way guarantee that equality in marriage, and therefore that marriage is an equal partnership, is recognized.

A bill like this is extremely long overdue and, when finally passed, it is not one which we will see back for amendment in the very near future in terms of its basic approach, certainly in the family property section. In this bill we are setting down a system that is going to operate in this province for quite some time. It is at this point in this bill's life that we should write our philosophy of marriage, and what happens when that marriage breaks up, in a clear and succinct manner and in a way that's going to last for a considerable time in the province of Ontario.

I don't think we will see amendments to this Act in a basic form. There may be some twiddling with the figures at the edges, but nothing basic for many years. The only thing that would militate against that, of course, would be the government's changing; and let's hope that will happen so we can get at this bill before many years pass.

I don't think the family property section can be amended either. I feel I must vote against this on second reading because I do not feel the basic approach now embodied in this bill can be amended in committee. What we have in the family property section of this bill is a blend of deferred community of property with judicial discretion, large amounts of judicial discretion—in fact, judicial discretion coming in at every turn of the road—in virtually every clause as you go through this division. As well, assets are very narrowly defined.

Faced with the same situation as we have here in Ontario, the province of Manitoba has taken the right approach, in my opinion. The province of Manitoba has a system of

deferred community of property for all the commercial assets.

Hon. Mr. McMurtry: Manitoba should have known; they thought of the approach.

Hon. Mr. Kerr: Do you think that new government—

Mr. Bounsall: No, it's in.

Hon. B. Stephenson: You don't suppose it had something to do with the election results?

Mr. Bounsall: No, not at all.

Mr. McClellan: Do you think he is going to abolish that?

Mr. Bounsall: This is one that won't change. This is one bill—I will stay on the principle of the bill, but let me make a slight detour with respect to what I was going to say. This is one bill for which there is no party philosophy. I don't think any party philosophy comes into one's approach to what one feels should be the equal division of marriage property upon the dissolution of that marriage. I don't think there is a Conservative approach, a Socialist approach and so on. I think it's very much a matter of how each person sees equality in our society; and I'm willing to admit that no one party has a corner on the market on what one thinks of equality. The only thing which comes into this bill—and it's rather ironical and it doesn't really touch the bill, is the fact that I as a socialist find myself getting on my feet and talking about—

[9:30]

Hon. Mr. Kerr: You are admitting it.

Mr. Bounsall: —a division of property when I don't believe in private ownership of property in the first place.

Hon. Mr. Kerr: Arrest that man.

Mr. McClellan: Go back to sleep.

Mr. Bounsall: Having had to accept some private ownership of property in the first place rather than an Israeli-style kibbutz system across Canada, one then is confronted with looking at how one should equitably and equally divide that property.

Hon. Mr. McMurtry: You are asking all sorts of people to taint themselves.

Mr. Bounsall: To taint themselves?

Hon. Mr. McMurtry: Yes, if you believe in non-ownership of property.

Mr. Deputy Speaker: Order, please. The member for Windsor-Sandwich has the floor.

Mr. Bounsall: I'll be interested in talking to the Attorney General in committee in this regard when that committee reconvenes.

With the Manitoba approach of saying the non-commercial assets will be divided, but

we will defer that until the marriage breakdown—deferred community of property—but everything else being a shared community of property during marriage—that is the matrimonial home, the furniture, the family car et cetera and virtually all of the non-commercial aspects—they have arrived at a position which I feel is consistent with the recommendations given to us by the Ontario Law Reform Commission and one which I could certainly support.

But we have in this bill the opposite of that. It's interesting that we take the matrimonial home and the other things associated with the matrimonial home and say they will defer those and share upon the dissolution, but it's a deferred one. Although it's interesting because of the way in which you have to give your permission for sale, et cetera, you inevitably arrive at the same conclusion, I would think, which is that you cannot sell without permission, meaning that in fact you are anticipating doing some sharing in the decision-making even while the marriage is in effect.

It would have been much neater and cleaner to say simply that all the non-commercial assets are shared during that marriage. This bill takes a completely roundabout way of arriving at roughly that same point. The attitude expressed and the way one arrives at that position not only is circuitous but is in fact the wrong attitude to take. All the non-commercial assets should be shared communally during marriage and all the commercial assets be a deferred community of property system for the division, which is the exact opposite of what's in the bill.

Therefore, I cannot see how we can in this bill in committee basically reverse the clauses of the bill. I've taken advice on this, and understand and have been told that it would be a complete reversal of the principles here embodied. Not that that might not be tried by someone. I don't know; but it's too basic a reversal in principle for anything to be achieved by amendment in committee, no amendments of this nature having been pressed upon, or accepted at least, by the Attorney General as a result of the lengthy committee hearings of last winter and spring.

In addition, according to what we have in the bill, I frankly object to and do not trust judges' decisions in any property decisions involving women.

Mr. Roy: There we go, what are we going to replace them with?

Mr. Bounsall: If, for example, at this time half of our judges were women and all of

those judges were children of the 1950s rather than the situation we have, I might not feel the way I do. But the decisions that judges have made in the past where it comes to a division of property between men and women, the man and the wife, in the event of a marriage dissolution—

Hon. Mr. Kerr: Interpreting the law.

Mr. Bounsall: —give me absolutely no confidence that the judges of today should be the group of people to which judicial discretion in this regard can be entrusted. We may get there but it's going to take a long, long time.

I don't mind preambles to bills in the Legislature. I think they're kind of fun because one can use them in estimates to twit the ministers about because the bills themselves do not live up to the preambles. There are very few that have them. The Labour Relations Act has one which directs the minister to help organize unions across this province, in essence. Of course, the other clauses within the Labour Relations Act ensure that this does not happen, in essence.

Here, we have a preamble to this Act. I think that "whereas" one and three are quite acceptable, and "whereas" number two is quite laudatory. I will read that "whereas": "And whereas for that purpose it is necessary to recognize the equal position of spouses as individuals within marriage and to recognize marriage as a form of partnership". It is negated by the bill itself. The bill itself negates that second "whereas" without question, because marriage is not going to be an equal partnership as it's implied by this second "whereas."

There are other things about the bill that concern me a bit. The conduct section in section 18(5) simply is unacceptable as it stands but would be acceptable if it concluded after the first comma so that the section read: "The obligation to provide support exists without regard to the conduct of the spouse requiring the support." If it stopped there it would be acceptable. The way it goes on to talk about gross repudiation of the relationship, and conduct and so forth, simply is unacceptable. Again, we're leaving tremendous discretion to a set of judges who, in the majority, I do not trust to interpret this in any reasonable way.

Mr. McClellan: He's starting to convince me.

Hon. Mr. McMurtry: It's an irrational attack on the judiciary.

Mr. Bounsall: No. The Attorney General says it's an irrational attack. No. All one has to do is look at their decisions in measures

regarding family property and how they're likely to interpret conduct, particularly as it relates to a woman. I challenge the Attorney General to come forward with the decisions that would ease my suspicions, which are certainly there.

Certainly, the Ontario Law Reform Commission approach would simply use the services of accountants in a neat, clean, impersonal and very understandable way, of course. The Law Reform Commission method, with the use of accountants to determine the split, is one which anyone can follow. If one can add, subtract and divide by two, anyone can follow what has been done in arriving at the split so arrived at.

Perhaps some members of this House would have problems with that. I would hope not. The suspicions which I have heard voiced would lead me to think they think there's an exponential term or something involved in adding, subtracting and dividing by two but—

Mr. Lawlor: Damn scientists.

Mr. Bounsall: But if they ever need any help, I'm available at all hours on dividing by two.

Mr. Breithaupt: Or even multiplying.

Mr. Bounsall: No, we don't need to multiply, that's the interesting point. You never need to multiply in this bill, in this method of accounting. At least, if you need to multiply you can get around it by simply adding.

Mr. Lawlor: You can always do that.

Mr. Bounsall: So there's nothing complicated about the other approach. There is nothing lengthy about the other approach. Certainly, there's nothing as complicated as trying to follow the convoluted arguments presented before the judiciary—and I don't envy the judiciary in this position, in having to involve themselves in legislation of this type. I may not trust them on the one hand, but on the other hand I don't envy them their job either, because this legislation is not clear enough. It gives them far too much discretion and not nearly enough direction, whereas of course under the Ontario Law Reform Commission approach I would remove them from the—

Mr. Lawlor: Do you think they can add?

Mr. Bounsall: I have been asked if I think the judges can add. I would say yes, except I have heard from lawyers, who tend to be the people who become judges, that they have problems adding. So in response to that question, I can only consult with lawyers.

Section 7 again is believed to be the one that takes care of the Murdoch case in the minds of the people who try to find a way to supporting this very bad piece of legislation.

But here again I think it's a hope, because here in this section it's the judiciary which will be determining the money's worth of the work contributed to the marriage by the wife—judiciary discretion again. I really don't think, again for all the reasons I have mentioned, that that kind of discretion should be left in the hands of the judges which we have in Ontario today.

Mr. Breithaupt: Who would you give it to?

Mr. Bounsall: You obviously don't know—I say this in no critical way—that the Ontario Law Reform Commission has said quite simply it's an accountant who simply adds up all those things which are to be divided equally and presents it.

Mr. Breithaupt: That seems more sterile than—

Mr. Bounsall: Yes and that's one of the advantages of doing it. It is one of the advantages of doing it because it is quite impersonal. Among the things, as any member is aware, involved in breakups are some tremendously damaging emotional scenes, including the whole appearance before the courts and so on, which I think would be best avoided.

Mr. Breithaupt: I have a fear for a law that's quite invincible.

Mr. Bounsall: And of course once it's as clearly cut and dried as that, it's like studying Latin. You know where you are when you go into a marriage and you know where you are throughout it and know what's going to happen should you get out of it. That's the kind of well-defined situation that we should be having in Ontario with respect to the legal state of getting married and getting divorced.

All of those persons who have contacted me over the years—mainly women I will admit—about their property and asset division problems which arise upon the dissolution of the marriage, when they see and hear in the media that a bill is coming up again reforming family law phone me again with some enthusiasm. I find myself in a position of saying to them: "This bill is a step forward only if you get a very good, committed lawyer and have the very good luck to come before an enlightened judge," a combination that is not likely to arise too often.

I must vote against this bill because it does not establish a deferred community of property for commercial assets. It does not establish a shared community of property during marriage for all the non-commercial assets, such as the matrimonial home, furniture or family car, et cetera. Therefore it does not equally share the property and therefore it does not recognize that marriage is an equal

partnership with the home-residing spouse still getting the shaft under this legislation. [9:45]

Hon. Mr. McMurtry: I will attempt to be relatively brief in view of the fact that this matter is going to the standing committee where there will be very full debate. I certainly welcome the continued full debate on this very important piece of legislation, although I must say I am heartened by the suggestion, even though I appreciate it was put forward by the member for Lakeshore as a possibility only, that this legislation could be dealt with by the committee and reported back to the House before the end of the year; because even those who are somewhat less than totally enthusiastic in their support of the legislation appreciate, or do indicate, that it's a valuable step forward, and I think would concede that it's in the public interest to make this legislation into law. We happen to think it is good legislation, and even those who have criticized it at least seem to share the view that it is an important step forward.

I would like to thank the Justice critics of the two parties opposite for their valuable contribution during the past year in the ongoing debate in relation to this legislation and the members of the justice committee for the efforts they have expended in improving the legislation with respect to the principles that were accepted on second reading when it was first debated in the House. I am grateful for the interest that has been demonstrated by all of the members who participated in the debate on second reading with respect to the earlier bill and again with respect to this legislation. In view of the fact that it is going to standing committee, I don't intend to attempt to respond to all of the speakers, as I don't think it would serve a useful purpose.

I would like to thank the member for Ottawa East for his support in relation to the family assets approach and for his recognition of the wisdom of enshrining in the legislation the wide judicial discretion. Obviously, this view is not shared by the last speaker who feels somewhat uncomfortable with wide judicial discretion. But I think we have to recognize that a rigid system and rigid guidelines can likely cause more injustice than providing the courts with the tools to arrive at the most just result in any particular case.

In so far as the family assets are concerned, it has been the view, not only of the government but the view of many thousands of people about the province who responded to the Ontario Law Reform Commission's report in relation to the deferred community property proposals, that this would build in a

rigidity that just was not in the public interest. It wasn't just a matter of equipping people with an adequate lawyer, but obviously to resolve this would require very expert legal assistance, as well as accounting assistance and could cause a very serious dislocation with respect to ongoing businesses that would not be in the long-term interest of dependants who would be looking for support through these assets.

I think what we have accomplished by section 4 and section 7 of the Act is very broad judicial discretion, which in effect allows the court to attach any assets whatsoever in order to arrive at a just result. With this approach, combining as it does the best of what we have been able to find with respect to presumption of property sharing on the one hand and wide judicial discretion on the other hand, I am confident that the judiciary in this province is committed to arriving at a just result in each and every case.

I must admit I regard the comments as nothing short of ludicrous in the statement suggesting that male judges should not be trusted to deal with property matters in so far as they affect the women of the province. To hear such a ludicrous statement coming from a member of this Legislature, in my view—

Mr. McClellan: Look at the record.

Mr. Bounsall: Show me the record.

Hon. Mr. McMurtry: —I can only regard it as distressing. I think that's putting the kindest character to it.

The matter of conduct is a matter that has caused us all some concern and I think it may be of interest, particularly as the member for Carleton East (Ms. Gigantes) has expressed concern in relation to this legislation and some other legislation regarding how the term "gross and obvious conduct" is defined.

This definition, this phrase is taken from English legislation. I think it might be of assistance to that member, as well as members of the Legislature generally, if I were to refer very briefly to a leading decision from the British courts, namely the decision of Lord Justice Denning in the case of *Wechtel versus Wechtel*, which as I stated is one of the leading English cases dealing with this issue. I quote as follows:

"There will be no doubt a residue of cases where the conduct of one of the parties is, in the judge's words, 'both obvious and gross,' so much so that to order one party to support another whose conduct falls into this category is repugnant to anyone's sense of justice. In such a case the court remains free to decline

to afford financial support or to reduce the support where it would otherwise have ordered. But short of cases falling into this category, the court should not reduce its order for financial provision merely because of what was formerly regarded as guilt or blame."

In another case of *Harnett and Harnett*, Lord Justice Denning has this to say about the same legislated phrase. I quote: "It will not be just to have regard to conduct unless there is a very substantial display between the parties on that score."

Further on, Lord Justice Denning states: "In my view, to satisfy the test, the conduct must be obvious and gross in the sense that the party concerned must be plainly seen to have wilfully persisted in conduct or a course of conduct calculated to destroy the marriage in circumstances in which the other party is substantially blameless. I think that there will be very few cases in which these conditions will be satisfied."

There is a decision of the English Court of Appeal in relation to this phrase that we have incorporated which undoubtedly will be of great guidance and assistance to our own courts.

The member for Carleton East also directed a question to me in relation to what progress we had made with respect to support orders in relation to the federal civil service. We have been advised by the federal government that they have supported the right to garnishee federal civil servants in principle. We are waiting to see some action in that regard, and we will continue to press them.

There was some reference made to the adversary nature of the legislation. I would only like to inform the member for Beaches-Woodbine (Ms. Bryden), who raised this issue, that we have conciliation projects that are in place in various parts of the province. In our view, the proposed legislation leaves the field wide open to plug in as many family support services as any community may wish. Of course, I would remind the members of the Legislature that the parties at all times are free to settle their disputes by a simple agreement. At the same time, for those who are unable to resolve their differences outside of the courtroom structure, even with the assistance of conciliators, I think it is essential that the fundamental right of the citizen to his or her day in court be preserved; hopefully, that will be the appropriate and desired course of action in only a very small percentage of cases.

The member for St. George (Mrs. Campbell) raised some issues in relation to support

of children. I would simply state that that wording was taken directly from the federal Divorce Act in order to maintain some degree of uniformity between the two pieces of legislation in relation to marriage breakup and, of course, the federal legislation is relevant to the dissolution of marriage. We are not wedded to the wording. I sympathize with the concerns expressed by the member for St. George and will welcome further discussion in this respect in committee.

There are a number of other issues that I don't wish to deal with now because of the hour and in view of the fact that we will have an opportunity to pursue these matters in detail before the standing committee. I look forward to pursuing these matters in the interest of the best possible legislation, which I hope will be passed as soon as possible.

Mr. Speaker: The motion is for second reading of Bill 59.

Motion agreed to.

Ordered for standing committee.

House in committee.

SUCCESSION LAW REFORM ACT

House in committee on Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Mr. Deputy Chairman: Are there any comments, questions or amendments to this bill?

The hon. member for Lakeshore. Which section?

Mr. Lawlor: About 35, I would guess.

Mr. Deputy Chairman: Section 35?

Mr. Lawlor: No, my dear fellow; there are about 35 comments, so far as I am concerned. The first comment, remarkably, has to do with section 1.

Mr. Deputy Chairman: You may proceed.

Mr. Lawlor: I find that startling. Don't you?

On section 1:

Mr. Lawlor: Regarding subsection 3 of section 1, the Canadian Bar Association people recommended that there be some additions made to that section.

Subsection 2 applies in respect to wills made on or after September 1. You have changed the date, I guess.

By the way, Mr. Chairman, I want you to know we have been recently delivered the bill. I am going to continue to work from the one on which I worked so very hard, rather than transfer all those changes to a new sheet of paper. So I may be on the wrong section all night.

Mr. Breithaupt: That's 85, is it
[10:00]

Mr. Lawlor: But whatever that section says in the new bill, they added "except in respect of a will made before that date." Why did you not include their recommendation?

Hon. Mr. Welch: We did.

Hon. Mr. McMurtry: We did.

Mr. Lawlor: No, you haven't. Subsection 2 says, "applies in respect of wills made on or after the 31st day." They go on and deliberately and expressly exclude wills made before the date involved in this—

Hon. Mr. McMurtry: That's what subsection 3 states. You are on Bill 60?

Hon. Mr. Welch: Look at subsection 3.

Mr. Breithaupt: It seems an awfully easy way to get out of it.

Mr. Lawlor: I'm on Bill 60. You forced me to look at the darn thing.

Mr. Deputy Chairman: Subsection 1, subsection 3?

Mr. Lawlor: Subsection 3, yes. You know the bar comments.

Hon. Mr. McMurtry: Totally familiar, totally; absolutely.

Mr. Lawlor: I don't care whether you do it absolutely or positively or hypothetically or categorically or any other damn way; what is the answer?

Mr. Breithaupt: Explain why you have done it.

Mr. Roy: If I may ask a question on that, I thought the question from my colleague from Lakeshore was, why does it not apply to wills made before the 31st? As I read it, it doesn't apply—

Mr. Breithaupt: It says "hence," six months from now.

Mr. Roy: Well, as I read it "in respect of wills made on or after the 31st," how does that apply before?

Hon. Mr. McMurtry: It doesn't.

Mr. Roy: It doesn't? Well, that's what he wants.

Mr. Lawlor: I think it's a small point. It's not something that I'll go to the barricades over, but it's there, they have recommended it. They are not dunces. I think I know what the answer is; I want to know if he does.

Hon. Mr. McMurtry: We incorporated it. They didn't want it to apply to wills made before March 31, 1978.

Mr. Breithaupt: Or even on proclamation of this.

Hon. Mr. McMurtry: That's right; and we incorporated their wishes.

Mr. Lawlor: I am not going to labour the point, Mr. Chairman. It's not what they wanted. Whatever the date was on which this piece of legislation affecting wills becomes effective, they wanted to clearly and explicitly say that wills made before that date were not brought within the ambit of the legislation. They wanted both the positive and the negative expressed in the legislation. You've expressed the positive and you put in the negative; all right, leave it at that; I think the professionals understand anyhow.

Mr. Breithaupt: I would hope so.

Section 1 agreed to.

Sections 2 to 5, inclusive, agreed to.

On section 6:

Mr. Lawlor: It will be agreed that holograph wills are an anomaly, to say the least of the problem. A holograph will is one written out by hand in full and it needs the signature of the person who wrote this thing out in longhand and that's about it. Lawyers are really suspicious of these wills. I suppose my question has to do with why the breach with the past approach and the whole purpose of large sections of this legislation, setting up the formalities which will constitute a valid will, and opening of the door to holograph wills.

My second question deals with those will forms that people buy from stationers, et cetera. They are partially printed. But just where they begin to get interesting, you write or type. If a person bought one of those wills and filled it out in long hand, filling it out in long hand would very much exceed the printed form; could that conceivably be considered a holograph will?

Mr. Breithaupt: No.

Mr. Roy: Not according to this.

Hon. Mr. McMurtry: It says, "wholly by his own hand."

Section 6 agreed to.

Mr. Deputy Speaker: Any further comments on this bill?

Mr. Lawlor: Yes, there are some more, bear with me for a moment. Section 12 is my next area.

Sections 7 to 11, inclusive, agreed to.

On section 12.

Mr. Lawlor: Another point of clarification is required on section 12, subsection 3. The wording there has to do with undue influence, but you say "nor the spouse exercise any improper or undue influence upon the testator." Why have you inserted the word "improper"?

Isn't just "undue influence" enough? What do you mean by "improper?" Tell us—we don't know.

Hon. B. Stephenson: He's more worried about impropriety than propriety.

Hon. Mr. McMurtry: That's a word that has been defined, Mr. Chairman, by many legal decisions in the past. I don't have a legal dictionary with me at the moment, so I don't intend to guess at the precise legal definitions which are many and which are recorded. I certainly know that with the learned member for Lakeshore's extensive grounding in the words of the law, he has more than a passing acquaintance with the meaning of that word, not only in English but I suspect also in Latin.

Mr. Lawlor: No malarkey. I don't know what it means and neither do you.

Sections 12 to 16, inclusive, agreed to.

On section 17:

Mr. Lawlor: I'm lucky the two bills are pretty parallel. Take a look at 17(2). It has to do with divorce proceedings, and the bottom line says "except where concrete intention appears by the will, whereafter the testator makes a will, his marriage is terminated by a judgement absolute of divorce or is declared a nullity," and then it goes on, "the devise or the appointment of his former spouse as executor, the conferring of a general special power of appointment are revoked and the will should be construed as if the former spouse had predeceased the testator."

What provision is made in that? Where do we look to elsewhere in the legislation if there are children in these contingencies?

Hon. Mr. McMurtry: It doesn't have any effect on the rights of the children, Mr. Chairman, because the children are obviously not dealt out by this section.

Mr. Lawlor: That's what the Attorney General says; I suppose it's a straight question of disagreement. If he says that's what he thinks it says, so be it. But on the other hand, I think no provision is made for the children. I would like to know—on the position of the former spouse having predeceased—what arrangements are made under these particular circumstances for such children. I suppose the only thing one can say in this context is that, again, it will have to be construed by the courts—I don't know.

Mr. Breithaupt: Perhaps, Mr. Chairman, I can give some assistance to the member for Lakeshore. It would appear to me that the section deals particularly with the mechanics of the operation of the will with respect to either executorship or with respect to certain

bequests which might go to a former spouse. Surely the section only deals then with the removal of those particular operative parts and would otherwise leave a valid will, perhaps a will that would have to have an administration and perhaps a will that would deal with other residual problems, but surely still a valid will that would deal with the ordinary wishes of the testator, save and except with respect to the former spouse. Is that not the correct view?

Hon. Mr. McMurtry: Yes, that is my understanding. This section 17(2) specifically implements a recent recommendation of the Ontario Law Reform Commission.

Mr. Deputy Chairman: Any further comments on section 17?

Mr. Lawlor: Do you think that's ex cathedra? Am I supposed to keep quiet, having heard that ominous announcement?

Hon. Mr. McMurtry: I just thought it might be of assistance.

Mr. Lawlor: Really.

Sections 17 to 28 inclusive agreed to.

On section 29:

Mr. Lawlor: The section says: "Except when there is devised to a trustee expressly or by implication an estate for a definite term of years absolute or determinable or an estate of freehold, a device of real property to a trustee or executor the fee simple . . ."

My problem is in wording there. In other words, does the Attorney General feel that it's clear enough? You've got a whole range of various types of estates passing by way of devise and one of them is an estate of freehold. Obviously, an estate of freehold would pass the fee simple. But from the way you've got it worded—true, you go on and say, "or the whole of any other estate or interest" if it happens to be something short of fee simple estate, then that's what passes. I think it's all badly worded. Do you agree with me?

Hon. Mr. McMurtry: I must confess I've always been very impressed by the drafting ability of our legislative counsel, Mr. Stone. In the event of a disagreement, I'm normally very influenced by his recommendations. I would say that in this particular case I am satisfied. As a matter of fact, I am also advised that—

Mr. Foulds: I'll bet you haven't read it before tonight.

Hon. Mr. McMurtry: —this is a uniform section, again recommended by the Law Reform Commission. I am advised that it overcomes a common-law rule, whereby the executor would take only a limited interest,

and a freehold in the context could be a life estate as well.

Mr. Breithaupt: The member for Lakeshore would prefer to have fee tail returned.

Mr. Deputy Chairman: Is there any further comment on section 29?

Mr. Breithaupt: If necessary.

Mr. Lawlor: By George, you're the child of authority tonight, aren't you, eh? First of all, we have to listen to a very short sentence making reference to some kind of—

Hon. Mr. McMurtry: In matters of succession law reform, I recognize my betters.

Mr. Lawlor: By gad!

Mr. Roy: So do I.

Mr. B. Newman: He is recognizing the member for Lakeshore there.

Mr. Deputy Chairman: Does the member for Lakeshore have further comment on section 29?

Mr. Lawlor: No.

Section 29 agreed to.

Mr. Deputy Chairman: Any further comment on this bill?

Mr. Lawlor: Does an executor of an estate—

Mr. Deputy Chairman: What section are you discussing?

Mr. Lawlor: Oh, I haven't got to it yet, but it's 33.

Sections 30 to 32, inclusive, agreed to.

On section 33:

[10:15]

Mr. Lawlor: I'm sorry. Bear with me for a moment, Mr. Chairman. Yes, section 33. Does an executor of an estate, if there is an undisposed-of residue, ever become personally seized of that residue?

Hon. Mr. McMurtry: I wouldn't have thought so.

Mr. Lawlor: That's what this seems to say.

Hon. Mr. McMurtry: I'm advised that in common law that that could happen.

Mr. Lawlor: Is that right? Okay, thank you very much.

Section 33 agreed to.

On section 34:

Mr. Lawlor: I just want to comment on it for the record. In 34(c), under this doctrine of conflict of laws, a definition is made here that "internal law" in relation to any place excludes the choice of law rules of that place," and that is a very penetrating change in the law. What happened previously, because land was situated somewhere else or chattels were situated somewhere else, you made reference

to the law of the place in which they were found, particularly in the case of land, and when you got to the law of the place they were found, the law there referred the whole thing back to you, which is called the renvoi.

Mr. Breithaupt: The renvoi, it was called.

Mr. Lawlor: This kills the renvoi. It says that you may not refer back.

Mr. Breithaupt: It's one of the few things I remember.

Mr. Lawlor: We will deal with the internal law of the place just as the internal law is, and that's the end of the road.

Mr. Roy: There it is—the renvoi is killed.

Mr. Lawlor: The renvoi is dead in Ontario. You can erect a tombstone over it and lie down upon it, Roy, if you want.

Section 34 agreed to.

Sections 35 to 45, inclusive, agreed to.

On section 46:

Mr. Lawlor: I just have a comment on this. It's not so much a question. Whenever I make a comment it's always laudatory; whenever I ask a question it's depreciatory, I hope.

The preferential share of a widow now being set at \$75,000, and changing the present law with respect to that by permitting her, out of an intestate property, to lift the amount that she receives until it gets to the \$75,000, is a complete reversal in the present law and a change which would be very welcome throughout the province.

Section 46 agreed to.

Mr. Deputy Chairman: Are there any further comments on this bill?

Mr. Lawlor: Yes, I'm just going to have some fun now, Mr. Chairman. Take a look at section 48.

Mr. Deputy Chairman: Before we get to that, shall section 47 carry?

Section 47 agreed to.

On section 48:

Mr. Lawlor: On section 48, subsection 8, I just want the Attorney General to explain all this to me. I'd like to while away the time. I've got nothing better to do. It's too late to do anything else tonight anyhow. Let's take a look at the section, Mr. Attorney General:

"For the purposes of subsection 6, degrees of kindred shall be computed by counting upward from the deceased to the nearest common ancestor and then downward to the relative, and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree." Come on, let's hear you.

Mr. Deputy Chairman: Shall section 48 carry?

Hon. Mr. McMurtry: I will write you a letter.

Mr. Lawlor: What a cop-out we have here.

Mr. Deputy Chairman: Mr. Attorney General, the member for Port Arthur has asked for an explanation. Do you wish to give one?

Mr. Roy: Which section is that?

Mr. Deputy Chairman: Section 48, subsection 8.

Hon. Mr. McMurtry: You may have to wait a moment, Mr. Chairman, while I gather my thoughts.

Mr. Deputy Chairman: There is a motion to carry section 48. There is a request, Mr. Attorney General, for an explanation from the member for Port Arthur about subsection 8.

Hon. Mr. McMurtry: I think it's a fairly satisfactory legislative method of determining kindred relationships, and I am advised by the experts in the field that it is anticipated that we will have astonishing success.

Mr. Foulds: Mr. Attorney General, I would like an explanation of the difference between "half-blood" and "whole blood" and to know why it is necessary in the section.

Hon. Mr. McMurtry: As I understand it, Mr. Chairman, these descriptions are appropriate and in common usage for those who deal with matters of wills and estates, and there would be no difficulty in their being understood by those who deal with these matters from day to day. The main thing is that it makes it absolutely clear that a half-brother or a half-sister get the same treatment as a full brother or full sister.

Mr. Breithaupt: Full share.

Hon. Mr. McMurtry: Full share, yes. It's to equalize the treatment that is accorded someone who may be regarded as a half-blood as opposed to a full blood. A half-brother will share equally with a full brother, and half-sister with a full sister.

Mr. Deputy Chairman: Shall section 48 now carry?

Section 48 agreed to.

Mr. Deputy Chairman: Any further comment on this bill? The member for Lakeshore.

Mr. Lawlor: Section 50.

Mr. Breithaupt: Just a moment, section 49. Surely this other blow at the structure of the common law must be referred to in the House. We dealt, Mr. Chairman, with the renvoi and now we deal with courtesy. Surely, those are two of the more interesting aspects of international law and of the tradi-

tional common law studies. I almost fear for the lecturers at the law schools who will now have to redraft two and, possibly, three lectures; whereas, the notes have gone on from year to year in the past without anyone ever having asked any questions.

Hon. Mr. Welch: It will be a cinch to get through law school now.

Mr. Breithaupt: Well it may be, you know. We are quickly legislating not only the members of the House of legal background but indeed those who profess the common law into ignorance. At the moment, though, this other interesting aspect of removing courtesies—

Mr. Lawlor: There is very little courtesy left.

Mr. Breithaupt: There are very few courtesies left but, in any event, the removal of this as the other side of the coin from the dower situation—

Mr. Roy: Renvoi, courtesy, dower.

Mr. Breithaupt: —is one which is indeed a most involved traditional aspect of the common law; surely, the last 10 centuries require that at least there be a paragraph or two of an obituary on its demise.

Mr. Lawlor: Good for you.

Hon. Mr. McMurtry: In that context, Mr. Chairman, I can only respond that I must admit that I sometimes fear that the destructive potential of members of my ministry is simply unbridled and recognizes no boundaries whatsoever.

Mr. Roy: But the dean of the law school will be pleased to still have half of section 48.

Mr. Deputy Chairman: Are there any further comments on section 49?

Section 49 agreed to.

On section 50:

Mr. Lawlor: Section 50, over against the last edition that came off the press—I think it was the early morning edition; it was Bill 8—has been remarkably and substantially changed. Now that we are going to get the Children's Law Reform Act through anyhow, we need not have changed anything; we could have left it pretty well the way it is.

Subsection 2 has to do with the search by a personal representative for children born outside the marriage. A good deal of comment has come forward from the Canadian Bar Association, Ontario branch, touching that. I have no doubt that you perused carefully the brief submitted by the bar; it was, as you know, a fairly elaborate one and you had the good grace to adopt most of their recommendations, which were numerous and pithy and very much to the point.

They did some yeoman service on this particular bill. But they subsequently submitted a brief of about five pages on your second version of the bill, and it takes continual issue or looks askance at the second version. We will not be given the opportunity for these people to reappear before us to present this additional and relatively new section of their brief. I just want some assurances that they have been well considered.

Hon. Mr. McMurtry: Excuse me, Mr. Chairman. I don't want to shorten my friend's remarks, but I can give him some assurance that this section 50 has been discussed and, we might say, cleared with the chairman of that section of the Canadian Bar Association. They are aware of the present drafting and are satisfied with it. I have that assurance from my senior staff.

Mr. Lawlor: To speed it up then, and not to launch into an analysis of the thing, I just want to ask you a question. At the bottom of page 3 of that brief, it says:

"We recommend that section 28(2), as set out in the original bill, be amended to provide that where there is no actual notice of the person born outside marriage, there should be a time limit, after which property cannot be traced into the hands of other beneficiaries." But, as I look at your legislation, you have provided no time limit in this regard. Oughtn't you to?

Hon. Mr. McMurtry: We will be doing so in our statute of limitations, which we hope to introduce shortly. There will be a 10-year limitation, I believe, in the new statute of limitations. The member for Lakeshore is quite correct; they do wish limitation. It is our desire to deal with all these limitation periods under one statute rather than, as in the past, in individual statutes; that is why it is not dealt with in this statute.

Mr. Breithaupt: I am pleased to hear the Attorney General's comments with respect to that. It appeared to me as well that this section as it stood was somewhat harsh in that it would appear that it was at the risk of an executor or of a representative that any estate be wound up because again of the situation of "the laughing heir," perhaps from Lakeshore or some other location—even from Australia—who might come, with all good intentions having been exhausted by the representative, and completely upset what was otherwise presumed to be a fully administered estate. I am pleased to hear that that limitation is going to be attended to.

Mr. Roy: May I ask one question related to this? I don't know if it is dealt with by this section or otherwise. Do you propose—

and I have seen that problem come up occasionally—to have any limitation at all on the interpretation of a will? As it stands, I am not sure whether there is a limitation as to how far back you can ask for interpretation of a will after probate. I am wondering whether that should not be something that—I may be wrong on that, but I was not aware that there was that sort of limitation. It could be a problem after a long time, when the will is being challenged and some of the property has been disposed of.

[10:30]

Hon. Mr. McMurtry: I think all I can say is that I am not aware of any limitation at the moment. This is something we'll have to pursue with respect to our statute of limitations.

Mr. Roy: That could be a problem too.

Hon. Mr. McMurtry: Yes, I appreciate that.

Mr. Deputy Chairman: Any further comment on section 50?

Section 50 agreed to.

Mr. Deputy Chairman: Any further comments on this bill? The member for Lakeshore.

Hon. Mr. Welch: Mr. Chairman, it is now 10:30. Does the hon. member have much more? Can we complete this bill shortly?

Mr. Lawlor: Go ahead. You can complete it, yes.

Ms. Gigantes: No, he can't.

Hon. Mr. Welch: If we require more time, I would move the committee rise and report.

Mr. Breithaupt: Perhaps before that we might be able to finish part II at section 53 if you wish.

Mr. Roy: Let's finish.

Hon. Mr. Welch: I don't want to rush.

Mr. Deputy Chairman: Is there any comment on section 51, 52 and 53?

Mr. Lawlor: No.

Sections 51 to 53, inclusive, agreed to.

On motion by Hon. Mr. Welch, the committee reported progress and asked for leave to sit again.

Mr. Speaker: A motion for adjournment under section 28(a) of standing orders is deemed to have been made. I will now recognize the hon. member for Waterloo North for up to five minutes.

FIRE REGULATION

Mr. Epp: Thank you very much, Mr. Speaker. I appreciate very much having the opportunity afforded to me to comment. I

want to thank the hon. member for Humber, the Solicitor General (Mr. MacBeth), for being here this evening. I was sorry that we didn't have this opportunity in July but the House recessed at about half an hour prior to normal—about 10 at that time—and then everybody went for a reception and they never had a chance to hear me.

The matter I want to raise has to do with the Fire Departments Act and amendments thereto. The Solicitor General is aware of the fact that, first of all, a committee of southwestern Ontario mayors and then the Association of Municipalities of Ontario and the PMLC, the provincial municipal liaison committee, discussed a number of amendments to the Fire Departments Act.

We felt the amendments concerned a number of items. We felt that after a number of arbitrations in the province with firefighters—our own experience in the city of Waterloo was 21.6 per cent and there were some higher than that, 25 per cent, and I think some of them might even have been close to 30—that these were somewhat unreasonable to the extent of being unconscionable. The amendments that were proposed to the Fire Departments Act at that time were that the management be given more prerogatives and that a panel of arbitrators be established rather than having an arbitrator appointed by the firefighters, by the city or municipality and by the government. We felt that often the arbitrators appointed by the government weren't as well versed and were going way out on a limb in trying to resolve the problem and making settlements that were somewhat out of line with settlements in other parts of the sector.

The Statutory Powers Procedure Act was taken out of the Fire Departments Act back a few years ago. It was the feeling of the mayors and AMO and the PMLC that this should be reinstituted because it didn't give a fair opportunity to cross-examine as was felt necessary.

There was also feeling that through common law, precedents have been set or rulings have been made, specifically in Windsor, that mean firefighters in other areas, because they are not outlawed, can go on strike. It is felt that the firefighters can go on strike and there was a feeling that maybe they should be prevented from going on strike. We are aware of the fact that they at this point have a resolution on their books that they won't go on strike, but that could be taken off the books very quickly.

Another item was that everyone above captain should be asked to be in management and excluded from the bargaining unit.

I respectfully ask that the minister initiate the amendments to the Act in accordance with the requests of the provincial-municipal liaison committee, as were put to him back in October 22, 1976, at a meeting of the PMLC.

Hon. Mr. MacBeth: Mr. Speaker, I do appreciate the sincere concern of the member for Waterloo North in regard to this matter. I will admit that when he asked me this question on July 8 I was somewhat curt in my reply. Sometimes we on this side become a little frustrated with the progress of the House as well, as I am sure from time to time those members on the other side become frustrated.

As far as the purposes of this Act and the proposed amendments or the suggested amendments that my hon. friend has made are concerned, I think we are pretty close together in our points of view in regard to it. I too hope to bring in some amendments that will be along the line that the municipal liaison committee has requested, and as I had indicated to the municipal liaison committee that I was prepared to do.

However, in those days immediately prior to July 8, I had the feeling that the House was not moving as expeditiously as it might, and having a rather large program I was concerned with that too.

Mr. Foulds: That's provocative.

Hon. Mr. MacBeth: It may be provocative. I am expressing—

Mr. Foulds: During the 10 days we had in July we actually accomplished a heck of a lot.

Hon. Mr. MacBeth: Well, maybe we did, but there was a period in there when we were not moving very quickly. I would remind the House that I had responsibility for the passage of legislation and the kind of House we have at the present time depends on the co-operation of all three parties in the House.

Mr. Foulds: It also depends on how long we sit.

Mr. Speaker: Order, please.

Mr. Foulds: Your leader has chosen not to sit very long this year.

Mr. Speaker: Order.

Hon. Mr. MacBeth: I have also found that no matter how long we sit, there is a certain extent—and I shouldn't criticize today because great progress has been made today. But I don't want to get into that. I am just explaining my own frustrations over here on this side of the House and I don't want to be argumentative with the interjections.

The question was asked, when might this be. I made an honest answer that, although it is contemplated legislation, I could not give the member a time when it would be there. Let me tell him what we want to do. We have amendments to the Police Act, amendments to the private investigators and security guards legislation, some amendments to the Coroners Act and the Highway Traffic Act, just from the Solicitor General's ministry alone. All of that has to fit in to the program of the standing committee on justice. So I don't know just where that is going to come and when we are going to get those Acts. Following that Act are the amendments that the member has requested.

That is the kind of priority we have and I have pressure on to proceed with those. We all know the type of heavy justice matters that the House has to deal with in the next few weeks and I still don't know when we will be able to get to the member's interest. When I said we hoped that we would get to it this fall, that was a hope that I expressed to the municipal liaison committee. When I expressed that, I didn't foresee the intervening election, which I think has slowed down the business of this House.

So I say, Mr. Speaker, it is on our list to do. I have mentioned some things that we have in the ministry's mind as priority. I hope to be co-operating with both of the critics, as I mentioned last evening, in trying to sound them out on the legislation that we have, to see which matters we are ad idem with, and then proceed from there.

At the present time, the best hope I can express to the member is that perhaps this matter that he is so concerned about, and rightly so, will be dealt with in the spring.

Mr. Speaker: I deem the motion to adjourn to have been carried.

The House adjourned at 10:40 p.m.

CONTENTS

Tuesday, October 18, 1977

Family Law Reform Act, Mr. McMurtry, second reading	897
Succession Law Reform Act, in committee	913
Adjournment	918
Debate re answer to oral question on fire regulations, Mr. Epp, Mr. MacBeth	918

SPEAKERS IN THIS ISSUE

Bounsall, E. J. (Windsor-Sandwich NDP)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Campbell, M. (St. George L)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Epp, H. (Waterloo North L)
 Foulds, J. F. (Port Arthur NDP)
 Gigantes, E. (Carleton East NDP)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Lawlor, P. D. (Lakeshore NDP)
 Martel, E. W. (Sudbury East NDP)
 McClellan, R. (Bellwoods NDP)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Newman, B. (Windsor-Walkerville L)
 Reid, T. P. (Rainy River L)
 Rotenberg D.; Deputy Chairman (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Taylor, G. (Simcoe Centre PC)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)

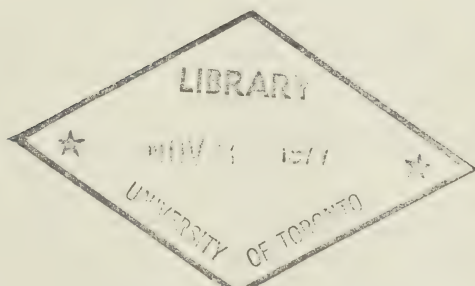


Ontario

No. 25

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, October 20, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

THURSDAY, OCTOBER 20, 1977

The House met at 2 p.m.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

Mr. Speaker: Hon. members, since this is the first occasion in this Parliament during which the House will consider private members' public business, I thought I should review for hon. members the procedure which will be used this afternoon and on future Thursdays.

As hon. members know, two items of business are scheduled for debate each Thursday afternoon. At the time of the commencement of such proceedings until 5:50 p.m., the time will be divided equally between the two orders. The mover of the motion will be allotted 20 minutes and may reserve any portion of that time for reply, provided he advises the Speaker beforehand of his intention to reserve time for reply just before the conclusion of the debate. All other members will be allowed a maximum of 10 minutes to speak.

When debate on both orders has been concluded, and if no petition adverse to a vote has been filed, I will put a question on the first order as follows: "Shall this question be put to the House? Any members opposed to the putting of the question must now rise." If 20 members rise, the question will not be put. A recorded vote can be requested after the usual voice vote, if five members stand in their places in the usual way. I must also caution members that, in the event of a recorded vote, the division bell will ring for only five minutes whether or not the whips have reported.

I thought that would be of some help to private members who are unfamiliar with the procedure.

LAYOFF OF INCO WORKERS

Mr. Lewis: Mr. Speaker, I stand on what I think is an appropriate point of order. I would like on behalf of our party to request the unanimous consent of this House to suspend rule 30(a), which requires notification of two hours in writing to you, sir, before proceeding with what amounts to an emer-

gency debate, a debate on a matter of urgent public importance, in order to seek from the assembly the unanimous approval of such a debate, the reading of which would be approximately as follows: A matter of urgent public importance namely, the disastrous economic blow which will strike the city of Sudbury, if the Inco layoffs of 2,800 people, announced today, are permitted to occur. That debate if the House would give unanimous consent, could proceed today at 4 o'clock, thereby granting the two hours which the parties normally have to prepare themselves for such an opportunity.

That is a submission that I make to you, sir, on a point of order.

Mr. S. Smith: Mr. Speaker, if I may rise on the same point of order, although we most certainly would want to use the time of the question period to discuss this very serious issue as well, we certainly also feel that it's a very grave matter facing Sudbury and Ontario. We certainly would be prepared to give our consent and to join with the leader of the New Democratic Party in the comments he has just made for an emergency debate on this subject of the Sudbury basin and the layoffs.

Hon. B. Stephenson: Mr. Speaker, as the two hon. gentlemen have just said, about an hour ago Inco Metals Company in Toronto released to the press information concerning a large cutback on nickel production which will have, unfortunately, a substantial impact upon employment throughout that industry.

In an effort to obtain further particulars of this cutback, the reasons therefor and the precise impact it will have on the Sudbury community and on the Ontario economy, my colleagues the Treasurer (Mr. McKeough), the Minister of Northern Affairs (Mr. Bernier), the Minister of Natural Resources (Mr. F. S. Miller) and I have made arrangements to meet later this afternoon with senior officials of Inco.

In addition, I have arranged to meet, as soon as it is possible for the gentleman to do so, with the director of district six of the United Steelworkers of America to obtain any pertinent information and concerns that

the union may have on behalf of the employees of Inco.

I would add that the ministers I have mentioned and I are prepared to go to Sudbury to meet with municipal officials as well as local representatives of the employees and the company.

In view of the fact that these meetings have been arranged within the last half-hour for this afternoon, it might be difficult for the members of government to participate as fully in an emergency debate as we would like to.

Mr. Breithaupt: Might I ask a question of the minister with respect to this? How long has the minister known of this situation?

Hon. B. Stephenson: Since noon. A letter was delivered to me at about 10:30 this morning with the request that no information be released until the company had made a release. I think a similar letter was delivered to the leader of the NDP. As a result of that, we made immediate contact with officials of the company in order to try to arrange a meeting. The earliest time that we could arrange the meeting was for 3 o'clock this afternoon.

Mr. S. Smith: On a point of personal privilege, Mr. Speaker, Hansard will show that on Tuesday I declared in this very seat that there would be at least 1,500 people laid off by Inco on Thursday—

Mr. Speaker: That's not a point of privilege.

Mr. S. Smith:—and it's shocking to think that the minister wouldn't have talked to Inco before now.

Hon. B. Stephenson: Mr. Speaker—

Mr. Lewis: Mr. Speaker—

Mr. Speaker: Are you rising on a point of order?

Mr. Lewis: Yes, sir. Speaking to the point of privilege, perhaps ironically—

Mr. Speaker: It wasn't a point of privilege.

Mr. Lewis: Oh. All right.

Some hon. members: Sit down.

Mr. Lewis: May I say, Mr. Speaker, speaking to the original point of order, that the time can be given some flexibility but obviously we could wish the ministers to be here to participate. If it has to be done this evening, it can be done this evening, but we don't want to delay an emergency debate because, as the minister herself said, it has enormous implications for the economy of this province as a whole, and not simply for the Sudbury basin.

Mr. Speaker: In keeping with the standing order, the required notice wasn't given and I can't entertain the motion unless we have unanimous consent.

Mr. Lewis: That's what I asked for.

Mr. Speaker: Do we have unanimous consent to proceed with the debate during the orders of the day?

Some hon. members: Agreed.

Hon. Mr. Welch: Mr. Speaker, in view of the reasons given by the Minister of Labour, I think it is quite clear that we would require the opportunity to allow these meetings to proceed; therefore, we do not consent to the suspension of the rules.

Mr. Speaker: We do not have unanimous consent.

An hon. member: Shame.

Mr. Speaker: You can give notice of a debate.

Mr. Lewis: We will have it tomorrow morning.

Mr. Speaker: For tomorrow morning? That's quite in order.

Hon. Mr. Welch: There is a whole evening on the budget debate.

VISITOR

Mr. Speaker: I would like to call hon. members' attention to the fact that we have a visitor in the gallery, Mr. M. Raymond Garneau, member of the National Assembly of Quebec, the member for Jean-Talon riding in Quebec City, and he was the former Minister of Finance in the National Assembly of Quebec. I wish you would join me in welcoming him here this afternoon.

STATEMENTS BY THE MINISTRY

DON JAIL REPORT

Hon. Mr. Drea: Mr. Speaker, I'm tabling today for the members' information the results of an investigation into allegations published in the Toronto Sun regarding the activity of correctional officers in the Toronto jail.

I would like to summarize the findings by stating that:

1. There is no evidence of an organized vigilante group of correctional officers who use strong-arm tactics on inmates who cause trouble.

2. There is no evidence that officers use force to discipline inmates rather than providing written reports.

3. Five of the six senior officers whom the Sun's informants alleged participated in

inmate assaults were not involved in any way in the three incidents cited.

I am satisfied that in all three cases cited it was necessary for staff of the Toronto jail to restrain the men involved, and I have been informed by the Crown attorney that after reviewing the evidence he found no cause for the laying of criminal charges against the correctional officers.

I am going to table the full results of that report at this time.

Mrs. Campbell: What about the corrections report?

Hon. Mr. Drea: Pardon? I don't have it.

Mr. Speaker: Order, please. Questions are not permitted during ministerial statements. The hon. Minister of Agriculture and Food.

Mr. Conway: It is about rabies, is it, Bill?

GRAIN CORN STABILIZATION PLAN

Hon. W. Newman: Mr. Speaker, I am pleased to announce the details of a provincial stabilization plan for grain corn to cover the crop year from September 1, 1977, to August 31, 1978.

The plan—the first under the Farm Income Stabilization Act—will stabilize the price of corn at 95 per cent of the market price averaged over the past five years. This is an additional five per cent above the federal stabilization level of 90 per cent.

Allowance will also be made for changes in current cash costs of production as compared to an average of costs over the past five years.

The plan will apply to all sales of grain corn through normal commercial channels—sales to elevators, feed mills, grain dealers and commercial end users such as starch companies, distilleries, feed lots and livestock and poultry operations.

Corn grown on any farm in Ontario is eligible when sold directly to a livestock or poultry farmer for feeding to livestock as long as the sale is documented.

I'm very glad to see this plan in effect for the current crop year. Both Canada and the United States are expecting record corn crops and I believe our stabilization program will be very important in maintaining prices and farm incomes this year.

The maximum for which any one producer may claim stabilization payments is 39,000 bushels or 1,000 metric tonnes, the minimum being 400 bushels or 10 metric tonnes. Sales of seed and silage corn are not eligible.

Calculations will be based on a standard 15.5 per cent moisture. Purchases of corn or other feed will be converted to corn equivalent

by the commission and deducted from corn sales to give the net quantity of corn eligible for stabilization payments.

To qualify, producers are required to submit enrolment forms which will be available from the ministry office in early November. Deadline for submission of the forms is January 16, 1978. Producers must also provide documentation of corn sales showing the names of the buyer and seller, date of sale, date and location of delivery, weight, moisture content and price.

[2:15]

The provincial corn stabilization plan is tied in with the federal plan so that producers who apply for the Ontario plan are automatically eligible for the federal plan. One claim form and a set of documents serve for both.

To give growers some idea of what the plan will do, we can take a look at last year's crop. Producers would have received 11 cents per bushel, minus the enrolment fee.

ORAL QUESTIONS

LAYOFF OF NICKEL WORKERS

Mr. S. Smith: In the absence of the Premier (Mr. Davis), I would direct my question to the Minister of Natural Resources but he's not here either. It could go to the Minister of Labour, I suppose, or the Treasurer. I will direct these questions to the Treasurer since they impinge on the economy.

I have a question about the announcement being made this afternoon by Inco of the massive layoff in the Sudbury area—2,200 hourly paid and staff employees permanently and a four-week layoff of the entire 14,000 man work force next summer. Can the Treasurer assure us that workers in Ontario are not bearing the complete brunt and basically the entire brunt of this layoff? Can he assure us that there are similar layoffs in Guatemala and Indonesia? Can he tell us the exact extent of those layoffs?

Hon. Mr. McKeough: I am afraid I can't answer the second part of the question. I think that's one of the matters which, hopefully, we will discuss this afternoon.

As to the first part of the question, I believe the statements this morning indicated that some 650 employees at Thompson, Manitoba, were also affected by a decision announced by the company this morning. It is also my understanding that the levels of production in the new two plants which were anticipated will not be reached. Whether or not there will be layoffs off shore or whether there simply will not be the

growth in the labour force they had probably anticipated, going into production, I am not sure, but that's something I think we want to explore with them.

Mr. S. Smith: By way of supplementary, does the Treasurer find it acceptable that the profits made here in Ontario and in Canada, which are now going to finance the foreign production of nickel in Guatemala and Indonesia, should be used in such a manner as to help our competition rather than modernizing and updating our facilities? Will he accept layoffs of this kind in Ontario, if they are not happening proportionately in Indonesia and Guatemala under the same company?

Hon. Mr. McKeough: As I have indicated, that's something we want to explore with them.

Mr. Germa: Could I ask the Treasurer, how it is that a major decision by this company could happen in Ontario without consultation with the government of Ontario?

Mr. Warner: They do whatever they please.

Mr. MacDonald: Stan Randall told us six years ago that we had that privilege.

Mr. Speaker: Order, please. The member for York South does not have the floor.

Hon. Mr. McKeough: Mr. Speaker, there is no law on the books which would indicate that there should be consultation.

Mr. Deans: It might be good corporate citizenship.

Hon. Mr. McKeough: I am not sure, in view of the enormity of the problem facing the work force and facing the company, that consultation on Monday of this week would have produced anything more than consultation will this afternoon.

Obviously, the company is faced with a declining market and with price problems. I am not sure that it is within the competence of the government of Ontario, in some way to stimulate worldwide nickel or copper prices or demand. Perhaps we would have appreciated knowing about it sooner. I am not sure that it would have been all that helpful.

I can't say whether there has been consultation with the government of Canada which perhaps can be somewhat more helpful in a situation such as this—we are talking about an international situation—than we can be. But we will be asking them this afternoon what consultation they have had with the government of Canada and what, if any, solutions they can suggest to the government of Canada or to the government of Ontario.

Mr. S. Smith: Supplementary: Accepting the fact that the international market for nickel is very soft at the moment, can the Treasurer none the less address himself to whether he is prepared to sit back and watch the profits from Ontario finance our main competitors in Guatemala and Indonesia, and is he quite prepared to allow these layoffs to occur without some recognition that Ontario profits are now undermining Ontario jobs?

Hon. Mr. McKeough: The investments which were made by Inco and, I assume, the borrowings which were made by Inco—very heavy borrowings, and not just profits earned here over the years—have in fact, I would believe in the case of both Guatemala and Indonesia, been substantially made. Whether in the present context they should or should not have been made, I think that is spilled milk.

Presumably the bills have been paid or must be paid in those two countries; so the investment by Inco is a fact. I don't know that that's going to be the most productive line of questioning this afternoon, although, as I have already indicated in response to the original question, we will certainly be in discussion with them—and I don't think this is all going to happen this afternoon.

I don't think we are going to get all the answers, which either we need or they may want from us, in one meeting this afternoon. I think that should be made clear. We certainly will discuss with them, as I already indicated in reply to the first question, what impact or otherwise this is having on their offshore operations.

Mr. Laughren: A supplementary: In view of the fact that the unemployment rate in northeastern Ontario is already the highest in the province, will the Treasurer initiate meetings with the federal government with a view to establishing a TEIGA-DREE agreement for northeastern Ontario, with particular emphasis on the Sudbury basin? I draw particular attention to this because I wonder if the Treasurer is aware that the Minister of Labour announced just the day before yesterday in the Ministry of Labour estimates that there is no manpower co-ordinating program for northeastern Ontario.

Hon. Mr. McKeough: I can only say that my colleague, the Minister of Northern Affairs and I, and the provincial secretary, have in front of us a number of proposals at the moment, both in northeastern and northwestern Ontario, which, if found acceptable by the government of Canada, could lead to a TEIGA-DREE agreement. But I cannot

indicate to the member that this is something which is imminent or about to happen today or tomorrow.

Hon. B. Stephenson: On a point of privilege, Mr. Speaker, the hon. member for Nickel Belt has said that I said there was no manpower co-ordinating program for north-eastern Ontario. The Manpower Co-ordinating Committee of this province is for the entire province. What I said was that there was no community employment strategy for the Sudbury region.

Mr. Deans: That's even worse.

Mr. Speaker: Order, please. I would like to remind hon. members that was neither a point of privilege nor a point of order. You can stand up to correct a misstatement.

I might also just remind the hon. member for Scarborough West that he need not have risen earlier on a point of order. He can get up and ask for unanimous consent to do certain things in this House; that's quite legitimate. But it is neither a point of order nor a point of privilege.

Mr. Lewis: Mr. Speaker, do you mean I can rise, just as I am now, and say whatever I please at any time without a prefatory outburst?

Mr. Speaker: No, but you needn't attribute it to either a point of order or a point of privilege. You need no excuse if you have a legitimate reason.

Mr. Lewis: Good.

Mr. Breithaupt: As long as it's not a point of view.

Mr. MacDonald: Obviously the reason was very legitimate.

Mr. Bolan: Supplementary: Is this government trying to tell this House that it had no warning, no warning at all, of the impending doom about to strike the community of northern Ontario? And is the government trying to tell this House that, despite the warning it was supposed to have had, it did nothing whatever?

Hon. Mr. McKeough: Mr. Speaker, to say that there have not been warnings, I think, would be wrong. Perhaps the hon. member is not aware—certainly, other members of the House are aware—that there have been layoffs and some cutting back at Falconbridge Nickel in the Sudbury basin.

Mr. Martel: National Steel in the Sudbury basin.

Hon. Mr. McKeough: Those original layoffs were several months ago, I think. There were also layoffs at the Port Colborne works of Inco. Also, I think that anyone reading the

newspapers for the last year—the last six months, particularly—would be aware of the fact that there is an over-supply of nickel in world markets and, I guess, of copper too.

Mr. Lewis: Deliberately manipulated.

Hon. Mr. McKeough: The price of copper having risen some months ago came back down to the very low level of 50 cents on the LME. The writing on the wall was there for all to see.

An hon. member: You see, those corporate pirates do whatever they want.

Hon. Mr. McKeough: As recently as Monday, there was, to some extent, a warning when, as members are aware, in my quarterly forecast we substantially lowered the amount of money which we expect to receive from mining profits tax, which is directly related to the sale of nickel and copper and other ores in this province.

To say that we have not had any warning would, I think, really be putting your head in the sand.

Mr. Speaker: I'll allow two more supplementaries on this. It's been indicated there may be an opportunity at a later time. I'll allow one more brief supplementary from the member for Ottawa Centre and the hon. member for Quinte.

Mr. Cassidy: Supplementary: In view of these conditions which the Treasurer is now aware of and which his staff were, presumably, aware of before, has the government of Ontario held any meetings with Inco over the past year to discuss the effect on the economy, and on jobs, or was any such meeting sought after the layoffs were announced at the Port Colborne refinery?

Hon. Mr. McKeough: I think there have been ongoing discussions which I was not privy to; they were at the ministerial level with the Minister of Natural Resources. I know that there have been some communications at staff level.

Mr. Speaker: The hon. member for Quinte. This will be the final supplementary.

Mr. O'Neil: Supplementary: To the Treasurer, and going along with Mr. Cassidy's remarks: having sight of all of these forecasts of doom hanging over the mines, does he not feel it was the obligation of his government to have approached these companies to see why something couldn't be done—prior to this happening today?

Hon. Mr. McKeough: Obviously, I very much regret what has happened today; we all do. But I think it would be wise to keep some sense of balance in searching for solutions to this problem.

Mr. Laughren: The minister is not unem-ployed.

Mr. Warner: Explain that to the people out of work.

Hon. Mr. McKeough: I think the people in the Sudbury basin could probably give the statistics—which I don't have in my hand—better than I can. But the fact is that Canadian nickel and Canadian copper move into world markets, and when they are not moving into world markets the results are felt. Our own domestic consumption is very small. We have a depressed steel industry in the United States where, I understand, much of Inco's production moves.

I would have to say in all frankness that it is beyond the capability of members on this side of the House—and I suspect on either side of the House—to do something about, for example, a depressed steel industry in the United States or the lack of demand for nickel or copper in international markets.

[2:30]

Mr. Lewis: Over the years you gave them preferential treatment.

Mr. Foulds: It is a dogmatic straitjacket.

Mr. S. Smith: I will ask another question of the Treasurer on this topic, Mr. Speaker.

During these discussions with the various companies involved, has the Treasurer indicated a readiness to make sure that Ontario's tax and royalty structure is of such a nature as not to impede Ontario's competitiveness with competing jurisdictions in which these same companies operate?

Mr. Laughren: Too liberal.

Mr. Lewis: Give them more exemptions, more concessions; give away the whole basin.

Mr. Laughren: They can't give away any more. They have tried.

Mr. S. Smith: Is the Treasurer willing, in fact, to create a tax structure which will be such as to make certain that the tax system itself is not impeding Ontario's competitiveness as a site for nickel operations?

Mr. MacDonald: There is nothing left to give them.

Mr. Speaker: Order.

Mr. Cassidy: The conspiracy of the two of you.

Hon. Mr. McKeough: Mr. Speaker, I don't have to give Inco that assurance. The fact is there in the figures which were tabled in this House on Monday that profits are substantially reduced, and without breaking out that downward revision—to \$40 million from a peak in 1975 of \$150 million—without break-

ing that out between the parts of the industry, most of that tax is paid by relatively few companies.

The fact is that it is a mining profits tax, and when there isn't a profit and the ore is not being sold then the tax is not paid. It would be obvious to most of us that precisely the purpose of that tax was, in fact, fully laid out for all to see on Monday. When there is a depressed situation the tax is not payable. We do not have a royalty. Perhaps the member is not aware that we do not have royalties in this province.

I think it has to be said—and members from the basin will be better aware of this than I—that due to one good feature, and there are a number, but the good feature of our Ontario mining tax, despite the fact that nickel and copper in particular were not moving but were merely going into inventory—and this has been going on now for over a year—one of the benefits of the Ontario mining tax as opposed to a royalty has been at work, and the taxes have not been paid.

I suspect what the company will tell us this afternoon is that there comes a point when it can no longer afford—even though it is not being taxed by way of royalty or profits tax—it cannot go on adding to an inventory which is not moving out.

Mr. S. Smith: By way of supplementary, I accept the Treasurer's point that his graduated tax is better than a royalty, but does the Treasurer not accept that in a cyclical industry like the mining industry taxing the companies heavily in a graduated method when they do well leaves them with insufficient reserves to reinvest in the company to tide them over the more difficult times? Is he prepared to make sure—I simply ask this, Mr. Speaker—that our tax system is not acting as a disincentive, encouraging investment to leave the country and to go to places like Indonesia and Guatemala?

Mr. MacDonald: Oh go on. Join the Japanese conspiracy.

Hon. Mr. McKeough: Mr. Speaker, it will continue to be the policy of this government—

Mr. Laughren: Why doesn't one of you cross the floor?

Hon. Mr. McKeough: I am not about to agree with the hon. leader. It will continue to be the policy of this government that we will, insofar as possible, design our tax system in the resource area to encourage employment, yes, in the mining industry, but also in that system to do our best to encourage, to credit, to benefit those companies

which will upgrade those resources within Canada.

I think that is a very fundamental decision which we are going to have to make in the next few years in this country, as to whether our ambition in life is simply to bring ore out of the ground and ship it out of the country.

Mr. Martel: Now you are talking. We have been talking to you about that for years. It falls on deaf ears.

Hon. Mr. McKeough: The present Ontario mining tax very much—

Ms. Gigantes: What are you waiting for?

Mr. Lewis: You created this problem. Interjections.

Mr. Speaker: Order. The Treasurer is the only member who has the floor.

Hon. Mr. McKeough: The present Ontario mining tax is designed to stimulate and to encourage the further processing and refining and fabricating of Canadian ores within Canada, and that remains our commitment. Those who would say—and there are those from Inco and from the mining industry who have said—simply that our structure of tax is too high, forget about the incentives which are provided to reduce that tax for further refining and processing within Canada.

Having said all that, the Minister of Natural Resources and I have indicated to the mining association, more particularly to the government of Canada, that we are prepared and have made a very tentative beginning in looking at what revisions might be necessary to an Act which, after all, is only two years—

Mr. Warner: Corporate welfare.

Hon. Mr. McKeough: —three years old, and which at the time of its passage was generally agreed, to my recollection, as being a fair system and a system which would encourage the upgrading of Canadian raw materials within Canada. I, for one, don't want to lose sight of that objective. But having said that, we are taking a look at the Act.

Mr. MacDonald: Did you talk to Jim Gillies?

Mr. Martel: Supplementary: Has the minister considered the possibility of introducing any of the recommendations of the select committee of this Legislature, which was led by the former Speaker, which called for a 50 per cent takeover of the mining industry and the processing and the manufacturing of those raw materials here in Canada, and in Ontario in particular, as opposed to the present lack of government policy?

Hon. Mr. McKeough: Mr. Speaker, I have looked at those recommendations. I am sure my colleagues have looked at those recommendations—

Mr. Martel: Each of them signed them.

Hon. Mr. McKeough: —which called for nationalization or part nationalization or part purchase of Canadian resource industries.

Mr. Lewis: Right.

Hon. Mr. McKeough: We reject those.

Mr. Lewis: Right—the Tories signed it.

Mr. Martel: You wrote the report.

Mr. Speaker: Order. The hon. member for Grey-Bruce with a supplementary.

Mr. Martel: Don't give us that nonsense.

Mr. Sargent: Supplementary, Mr. Speaker, to the minister. The reverse side of the picture is against the tax profits. That's gone by the board. I think that the government should be able to ascertain today, or shortly, the magnitude of the stockpiling, the extent of the inventory, to show these 2,800 people how far down the road we are looking at—three or four months? a year, or two years? —before this inventory is depleted and when they can go back to work. But as always, the government has no standby plan and now it is going to lean on the feds for the answers. I think it's time it had some plans of its own.

Mr. Speaker: What is your question?

Mrs. Campbell: The answer is no.

Hon. Mr. McKeough: Mr. Speaker, this may surprise you but the questions which my friend suggested might be asked of the company this afternoon are among those very questions which I and my colleagues I think will be asking this afternoon.

Mr. Peterson: Are you going to that meeting? We will come with you.

Hon. Mr. McKeough: Mr. Speaker, while I am on my feet though, I have to draw attention to the fact that just four or five months have gone by since most of us were out on the hustings. During that short time, the short list of drug companies, car insurance and natural gas companies has today been added to by taking over the natural resource companies and the mines. Stand up and show your colours.

Mr. MacDonald: Out of order, Mr. Speaker.

Hon. Mr. McKeough: We just have a short list. That's three sectors.

Mr. Speaker: The hon. member for Sudbury with a supplementary.

Hon. Mr. McKeough: We just have a short list.

An hon. member: Pretty limp.

An hon. member: You are on the way down, Darcy.

Mr. Sargent: No wonder you guys are in trouble over there.

Interjections.

Mr. Speaker: Order. I recognize the hon. member for Sudbury.

Mr. Germa: Supplementary: Does the government of Ontario have a position to put to the International Nickel Company this afternoon and, if so, what the hell is that position?

Hon. Mr. McKeough: If we had a position to put before International Nickel, hopefully, that position would be based on a maximum appreciation insofar as that is possible of the facts and the figures, some of which have been suggested as reasonable questions by my friend from Grey-Bruce. If we had all those facts and figures, then we obviously would not find it necessary to meet with the company and would have been prepared for an emergency debate this afternoon.

Mr. MacDonald: Is the member for Grey-Bruce your friend now?

Mr. Lewis: Your friend from Grey-Bruce? You haven't called him a friend in 10 years.

Hon. Mr. McKeough: Obviously the answer to the question at this moment is no.

Mr. S. Smith: Mr. Speaker, I beg your indulgence.

Mr. Speaker: Two more brief supplementaries from the members for Hamilton West and Scarborough West. We've spent 26 minutes on this one question and it's not giving other members an opportunity.

Mr. Germa: You are wiping out a city, Mr. Speaker.

Mr. S. Smith: With your indulgence, a very brief question: Would the Treasurer consider, in view of the gravity of the situation, including representatives of the two opposition parties—I would suggest the two leaders—to attend at his meeting with Inco this afternoon, so that we can all be well prepared for the debate which will take place in this House tomorrow?

Hon. Mr. McKeough: I am sure that the Minister of Labour and others will report to the House after these meetings. I'm quite sure that those whom we will meet with will be quite prepared to meet with members of the official opposition or with the members of the third party. My answer would be no. This is a meeting which is being arranged between the company and the government in the discharge of our responsibilities. I don't think we would be prepared to add to it.

Mr. Laughren: Cosier.

Mr. Cassidy: I think he is proposing a coalition.

Mr. Speaker: Is this a supplementary?

Mr. Lewis: No, I'll ask a new question on the subject.

Mr. Speaker: On the same topic?

Mr. Lewis: Yes, Mr. Speaker.

Mr. Speaker: In fairness to other members of the House, it seems almost evident we're going to have a full ranging debate on this in the not-too-distant future, and it's not giving other members an opportunity to ask their own questions.

Mr. MacDonald: He has the right to use his time as he sees fit.

Mr. Speaker: You can proceed, but I just say leave some time for private members.

Mr. Lewis: Mr. Speaker, regardless of the questions I ask I hope there will be the same time left. That doesn't bear on the quality of the questions.

I'd like to redirect, if I could, on this issue to the Minister of Northern Affairs, since as one of the architects of this decision he will understand a little better perhaps what preceded it. May I ask him that when he is meeting with the International Nickel Company this afternoon he might indicate to them that the government will disallow the special exemptions that have been granted until the year 1985, open-ended in amount, to process and refine abroad, unless they do something to maintain that work force in Sudbury?

Hon. Mr. Bernier: Mr. Speaker, I don't consider that a question.

Mr. Lewis: By way of supplementary, since it was under his aegis as the Minister of Natural Resources, under section 131 of the Mining Act, the minister granted exemptions to Inco until December, 1985, in two instances, to process and refine abroad, would he like to indicate whether he will use that special privilege granted to them as a negotiating point to see if we cannot manage to persuade them of their obligation to the Canadian work force?

Hon. Mr. Bernier: I think it's fair to say that in our discussions with Inco, which will start this afternoon, all areas affecting the Sudbury basin and that particular company will be carefully examined. The specific point to which the hon. member refers, I'm sure he realizes, lies with the Minister of Natural Resources (Mr. F. S. Miller).

Mr. Lewis: Wipe your hands of it, eh?

Mr. Laughren: When the minister is discussing this with International Nickel, will

he also in collaboration with his colleagues in the cabinet take a look at section 113 of the Mining Act, under which he makes exemptions, so that we no longer grant exemptions to companies such as Inco and Falconbridge to ship ore elsewhere, because those are jobs we're shipping out?

[2:45]

Hon. Mr. Bernier: I think the hon. member is fully aware of, and the Treasurer has made reference to, the processing allowances that have been allowed the major companies to encourage the further processing of those ores in northern Ontario.

Mr. Laughren: It hasn't worked.

Mr. Lewis: Then you give them exemptions.

Hon. Mr. Bernier: Some companies have taken advantage of that particular processing allowance, such as Texasgulf, as the hon. member well knows, in the Timmins area.

Mr. Lewis: But not Inco and Falconbridge.

Hon. Mr. Bernier: The government's intention is to push it that particular way—

Mr. Cassidy: You haven't shown that.

Hon. Mr. Bernier: —and certainly we'll discuss all those aspects

Mr. MacDonald: They thumb their noses at you.

Hon. Mr. Bernier: Oh, no, they don't.

Mr. Lewis: Just a quick supplementary: When the minister granted those exemptions from the legislation which was supposed to make sure that things like this never did happen in the Sudbury basin, did he know that the investment in Indonesia would be \$1 billion, in New Caledonia almost \$2 billion, in Guatemala almost half a billion? Was the minister aware of the amount of money that was going to other jurisdictions as our work force was atrophying?

Hon. Mr. Bernier: I think in granting those particular exemptions all aspects of the operation are looked at very, very carefully.

Mr. Laughren: Did you know that?

Mr. Warner: So you did know it.

Mr. McClellan: So you did know.

Hon. Mr. Bernier: The immediate, the short-term and the long-term interests of our particular province are carefully considered.

Mr. Martel: I wanted to ask a supplementary: Has it ever dawned on the government that when these corporations are getting these concessions and expanding their operations in places such as Norway, that it's going to be detrimental to the Canadian work force? Does it ever dawn on the government?

Hon. Mr. Bernier: Certainly it has, Mr. Speaker, and I think the hon. members are being—

Mr. MacDonald: But you don't do anything about it.

Mr. Martel: You continue to grant exemptions.

Hon. Mr. Bernier: —a little naive, really, in some of their arguments here this afternoon—

Mr. Lupusella: You carry on the same policy.

Hon. Mr. Bernier: —with regard to exemptions under section 113.

Mr. Martel: Falconbridge.

Hon. Mr. Bernier: The members are being naive and they're not facing the facts, the reasons why those exemptions were given—

Mr. Martel: Falconbridge? You gave them the 1975 grant.

Hon. Mr. Bernier: —to keep those jobs going on an ongoing basis—

Mr. Laughren: Tell us about Falconbridge.

Hon. Mr. Bernier: —on a short-term and long-term basis.

Mr. Warner: You're a disaster.

Mr. Laughren: Do you know any workers, Leo?

Hon. Mr. Bernier: Oh, short-sighted. Boy!

Mr. Lewis: Mr. Speaker, I have a second question on the same subject to the Minister of Labour, if I may: Since when my colleague mentioned the potential layoffs to her yesterday morning in committee she was not aware of them at the time, does she now see their full extent, and since implicit in the statement today is something really even more ominous—they say, "Further production cutbacks may prove necessary and could occur in the first half of 1978," which could mean many, many more men out of work—is the minister prepared to demand by way of legislation now for all larger companies in Ontario that advance discussion be entered onto with government before any such calamitous decision is taken?

Hon. B. Stephenson: Mr. Speaker, much as it would be desirable and I would hope that the intentions of most large institutions would be to provide us with advance information, I suppose that I would have to say at this point that I am not prepared to introduce such legislation.

I believe that we can ask for this kind of co-operation from responsible companies—

Mr. Lewis: They're not responsible.

Mr. MacDonald: They are not responsible. They didn't give it to you.

Hon. B. Stephenson: —and I believe, sir that responsible companies will give us that kind of co-operative action.

Mr. McClellan: Where are they?

Hon. B. Stephenson: If it is necessary to lean vigorously upon them in order to attempt to get that kind of information, I'm prepared to do that.

Mr. MacDonald: After the fact.

Hon. B. Stephenson: But to legislate that kind of requirement in what is supposed to be a relatively free economy, I think, would be entirely counter to the democratic process.

Mr. Lewis: Oh, thank you. Free for the workers who are on the receiving end. How free is it for the worker?

Mr. Foulds: I wonder if the Minister of Labour could indicate to us and lean on Inco this afternoon to find out if the further production cutbacks will affect Inco's mine at Shebandowan in Ontario?

Hon. B. Stephenson: We shall be attempting, Mr. Speaker, to gather all of the information which we can, not only about this immediate situation but projections for at least the next year and longer.

Mr. Martel: Supplementary question, Mr. Speaker.

Mr. Speaker: Final supplementary, the hon. member for Sudbury East.

Mr. Martel: Since we're talking about such responsible companies as Falconbridge, which laid off a month after the vacation time—that's responsibility—my supplementary question is: Is the minister prepared to introduce by legislation supplementary unemployment benefits similar to the agreement worked out between the United Auto Workers and the auto producers where, to force more rationalization of production, the company must establish a fund and if layoffs occur, the workers receive in addition to their unemployment insurance benefits a sum of 30 per cent, bringing them to roughly 95 per cent of their wages during the lifetime of the layoff?

And instead of giving away our shirt we penalize them for a change and make them rationalize their production.

Hon. B. Stephenson: I would have to say that I am not prepared to legislate such action right at the moment.

Mr. Lewis: No. The minister is not prepared to do anything.

Hon. B. Stephenson: I am prepared to look at it, because it might be worthwhile to consider introducing such legislation if and when the price of nickel rises above the devastatingly low price that it is right now.

But to introduce such legislation at the moment, I think would probably strap not only the employees who would be receiving benefits but all of the others who are employed by that company who are continuing to work.

Mr. Martel: Who overproduced?

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: Mr. Speaker, I have a question of the Treasurer. In the matter of the Edwardsburgh land assembly, I am wondering whether the Treasurer, as senior provincial planner, agrees with his colleague from Carleton-Grenville (Mr. Sterling) and would support the immediate release of any and all information respective to and about the initial assembly of that particular land bank and now, particularly, the Dillon report on the alleged disposition of that particular assembly?

Hon. Mr. McKeough: Mr. Speaker, the report was not commissioned by me. It was commissioned elsewhere. It is under consideration in the Resources Development secretariat, as I understand it. Whether they have completed it or not, I don't know. So I'm not in a position to agree, as much as I would like to, with the very fine member for Carleton-Grenville. That is not my particular responsibility.

Mr. Conway: Supplementary: In terms of the Treasurer's regional priorities budget, given the fact this particular land assembly was offered to the people of eastern Ontario as a showcase for the future industrial development of eastern Ontario, and given the apparent and almost imminent collapse of that showcase. I wonder what the minister now has to offer by way of surrogate to the people of eastern Ontario in replacement for this showcase?

Mr. Breithaupt: It is called spilled milk.

Mr. Lewis: Trees.

Mr. Kerrio: A Minister for Eastern Ontario.

HOME HEATING AND INSULATION

Mr. Pope: Mr. Speaker, my question is addressed to the Minister of Energy. In view of the fact that the provincial government has postponed the Ontario home insulation program, in view of the fact that the federal home insulation program applies only to homes constructed before 1921, and in view of the fact that there are virtually no homes in northern Ontario constructed prior to 1921, would the minister request the federal government to apply different time-of-construction criteria to northern Ontario in its programs?

Mr. Riddell: Leave it all up to the feds.

Mr. Pope: What has been suggested by the Liberals?

Interjections.

Hon. J. A. Taylor: Would you call them to order, Mr. Speaker?

Mr. Speaker: If we could have some order, we might get an answer.

Interjections.

Hon. J. A. Taylor: That was an excellent question, Mr. Speaker. That very point was one of the concerns we had in my ministry in connection with the federal program that was unilaterally designed and announced.

At the staff level we did request that other factors be taken into consideration, such as regional differences, different types of construction in different parts of Ontario and the climatic conditions that the hon. member speaks of. These are considerations that we were concerned with. I may say also that other provinces across Canada were concerned with this type of problem in the present federal program. We will work towards a program, certainly at the federal level, which would take into consideration differences in regions and from province to province.

Mr. Conway: What about your election promise?

Mr. Kerrio: Have you got a by-election down there?

Mr. Epp: Supplementary: Since it costs more in capital expansion of Hydro to provide an additional megawatt of power than it costs in insulation to save one megawatt of power, how can the minister possibly claim that his decision to scrap the insulation program will save money?

Hon. J. A. Taylor: At no time did I suggest that the deferral of the proposed plan, the fuel-savers plan, would save money on the part of the consumers. What I was referring to was the budgetary limitation under which I find myself.

I would also direct the member's attention to the fact that on the whole there is great emphasis at the present time in terms of the residential consumer insulating his home. The industry has mentioned that there is quite a run on insulation and many people foresee shortages in terms of insulation. There's no suggestion that there be less saving on the part of the residential home owner. On the contrary, I encourage the residential home owner to—

Mr. Foulds: Except in a practical way.

Hon. J. A. Taylor: —insulate, but I don't think there are that many houses across

Ontario which are heated electrically that it would have a significant impact on the capital expansion program of Ontario Hydro.

Mr. Samis: Supplementary: Since the minister was aware of the economic forecast, could he tell us why he promised this program in the first place to the people of Ontario in the midst of the election campaign, with what degree of seriousness we should even take him—

An hon. member: None at all.

Mr. Samis: —and can he give the home owners of Ontario any idea if they can expect to receive any consideration in the future if they seek to insulate their homes without waiting for the federal program to apply to them personally?

Hon. J. A. Taylor: Mr. Speaker, may I correct the hon. member? There was no promise made by me in connection with this program. May I say that the suggestion—

Mr. Samis: May 18.

Hon. J. A. Taylor: Just a minute, may I say that the suggestion—

Mr. Cassidy: There was no promise?

Hon. J. A. Taylor: —of this program was revealed by me during the last federal-provincial conference on oil and gas pricing, and the reason I made mention of the fact that we were considering this program within our ministry—

Mr. Cassidy: Was to win votes.

Hon. J. A. Taylor: —was the fact that the Minister of Energy, Mines and Resources had indicated that the federal government was going to announce a \$1.5 billion insulation program. This came without consultation with the provincial ministers.

Mr. Samis: Why did you promise it?

Hon. J. A. Taylor: So at that very point I made mention of the provincial initiatives in terms of conservation and insulation in particular—

Mr. Samis: Why did you promise it?

Hon. J. A. Taylor: —hoping that the federal program, if it was developed, would take into consideration the program or the proposal that my ministry had under way.

Mr. Samis: It didn't.

Hon. J. A. Taylor: I admit that was revealed prematurely by me, but only so that that point could be taken into consideration.

Mr. Samis: Why did you promise this?

Mr. Cassidy: So you could win votes.

Hon. J. A. Taylor: Mr. Speaker, to refresh the memories of the opposition, that was well—

Mr. Warner: Speaking of insulation, you should be stuffed somewhere.

Hon. J. A. Taylor: —before any election was ever thought of.

Mr. Speaker: We don't want a speech. We just want an answer to the question.

Hon. J. A. Taylor: If you would like a longer answer, I can give you a longer answer.

Mr. Lewis: On a point of privilege, to correct a misstatement, the announcement of the fuel-savers loan program was May 18, 1977.

Mr. Speaker: There is no privilege abrogated. That is not a point of privilege.

Mr. Lewis: Of course it is. There was a misstatement.

Mr. Speaker: It's not a point of privilege.

Mr. Sargent: Mr. Speaker, a supplementary: To show the insanity of the whole operation over there, the minister decries the fact that he doesn't have the \$5 million in his budget to do the home insulation program—that's his motivation there—but he is—

Mr. Speaker: Question?

Mr. Sargent: —thank you—but he is asking us to spend \$1 billion with Denison Mines for —

Mr. Speaker: I still don't hear your question.

Mr. Sargent: —the future of uranium. How does he relate \$1 billion for uranium and he can't spend \$5 million for insulation? It's insanity.

Hon. B. Stephenson: What is insanity? What on earth is he talking about, does he know?

Hon. J. A. Taylor: Mr. Speaker, I think there must be some confusion in the mind of the the member, because—

Hon. B. Stephenson: In the mind?

Hon. J. A. Taylor: —pardon the expression —because I really don't relate to that type of question.

Mr. Sargent: On a point of order, Mr. Speaker—

Mr. Speaker: There is nothing out of order.

Mr. Sargent: Doesn't the minister know he is spending \$1 billion on uranium now?

Mr. Speaker: There is nothing out of order here. The minister can answer in any way he chooses. Does the minister have an answer?

Hon. B. Stephenson: He did.

[3:00]

Hon. J. A. Taylor: I was wondering if the member had a question.

Mr. Speaker: A new question, the hon. member for Lakeshore.

ANACONDA PLANT

Mr. Lawlor: My God, it's difficult to get in, Mr. Speaker.

To the Minister of Labour: I spoke to her the other day about the real possibility of a complete closing down of the Anaconda plant in New Toronto. Since that time, what thoughts has she had as to what she may do to preserve the 875 jobs involved in this plant and the whole industry itself in this country?

Mr. MacDonald: Your system is collapsing around you.

Hon. B. Stephenson: Oh, I think not. I think capitalism is probably not only alive and flourishing, but will make a rapid recovery.

Mr. Speaker, notwithstanding the opposition's attacks upon capitalism, in order to capitalize upon the problems which are presently facing the people of Ontario, I should like to respond to the question which the hon. member for Lakeshore posed me.

Mr. Speaker: I wish you would.

Hon. B. Stephenson: Thank you, Mr. Speaker. That company specifically is one that has been investigated—the problem has been investigated—by both the Ministry of Industry and Tourism and by officials within my ministry. I think it would be fair to say that the concerns are perhaps premature at this point, but nonetheless because the concerns are there, discussions are being held between the company and the officials of Industry and Tourism. They are also involving other levels of government in those discussions, and we are attempting to work with the union in that area to see, if indeed there are problems, if there are some ways in which we can head off in a preventive kind of way the potential problems. But it is my understanding that the owners of the company do have several potential buyers for the company.

The problem which was raised in estimates yesterday is being explored. We have not found the entire answer to that one as yet, but when it is found we shall see what we can do to resolve it as well.

Mr. S. Smith: Has she got an allowance for fabrication in Ontario?

Hon. B. Stephenson: Oh, Stuart, I am insulted.

LOSS OF DOCTORS

Mr. Johnson: A question to the Minister of Health: In today's edition of the *Toronto Sun* the headline screams "Report Slaps Doctors." My question is, in view of the fact that so many doctors are leaving or planning to leave Ontario and relocate in Texas, Arizona, or other southern states, with the financial assistance of that state, and since headlines such as this are encouraging them to decide to leave, would his ministry undertake to release a report indicating the number of doctors we have lost in the past year? Secondly, would his ministry also issue a statement of support for the many truly fine dedicated doctors that we have in this province and try to encourage them to remain here?

Hon. Mr. Timbrell: Mr. Speaker, I'll be glad to table such a report. There is one just being completed that I asked for several months ago and which has been prepared based on discussions with the college and various other sources, including the United States immigration service.

I must say that I get a little concerned about some of these reports and the way that they are perhaps overblown. That particular report, as I read the press release—I haven't had a chance to read the report by this Dr. Morgan—but as I flipped through the press release quickly yesterday, what he seemed to be saying was—and I think that this is a truism now—the fact that you spend more money on health care doesn't mean you are going to have a healthier society. That seemed to be one of the crucial points, or focuses if you will, of this report by Dr. Morgan.

I accept that. I don't know that I can accept that that should be interpreted by some headline writer as being a slap at doctors. I will certainly be glad to table such figures, and I will be glad to comment further on it at that time.

Mr. Kerrio: Supplementary: Is the minister aware of the fact that there is a task force of doctors touring the United States, anti-OHIP, telling them that if they incorporate some of the laws that we have in OHIP in Ontario they will be moving to the States?

Hon. Mr. Timbrell: It is not a task force. I think it is in fact, if anything, a self-appointed group of three doctors who are going through the United States, I believe at the invitation of the American Medical Association. Their comments are not anti-OHIP. Their comments tend to be saying, in effect, they propose that the United States establish a system of health care such as we

had pre-OHIP, which was the day of OMSIP, the private insurers and so forth.

I'm not aware that any of the three have said they're going there. I have to tell the member that about three weeks ago, my senior staff and I spent a day with the Hon. Joseph Califano, the Secretary of Health, Education and Welfare of the United States. My impression and my recollection of that meeting were that he was saying that the United States has enough doctors, thank you, and they may very well themselves in the not-too-distant future be putting on the kind of immigration controls which this country, at the request—in fact, the demand—of my predecessor, now Minister of Natural Resources, imposed in the last two years.

There is one other thing I should say. It seems that in all these reports it comes down to dollars. There are certain factors in states like Arizona and Texas with which we cannot compete. First of all, the current doctor-patient ratio in the state of Texas, for instance, is about one to 1,300. In Ontario today it's about one to 560 or 570. Obviously, given that disparity, it's not that difficult to establish a practice in the state of Texas today.

Secondly, the state of Texas doesn't have an income tax. We do. Thirdly, the overall income tax rate of the government of the United States is lower than that of the Dominion of Canada.

Mr. Peterson: Do you blame the Treasurer for all of this?

Hon. Mr. Timbrell: And the list goes on and on. If it's strictly dollars and one wants to talk about a comparison with the state of Texas, we can't compete. We won't try.

Mr. Ziemba: Supplementary. Would the minister be in favour of encouraging US doctors, who might want to trade places with the Canadian doctors who are going there, and who might want to work under our medicare scheme, to get away from the high premiums of malpractice insurance that are being levied there?

Hon. B. Stephenson: Let's not bring that here.

Mr. Peterson: We don't need more doctors. We have more doctors than hydro workers.

Hon. Mr. Timbrell: As a matter of fact and this will come out in the figures I will table—it is not entirely a one-way movement. In fact, I'd have to say too, as a preliminary comment, that it cannot be considered to be an exodus.

Mr. Peterson: We are exporting doctors and importing hydro workers.

Hon. Mr. Timbrell: It is not a one-way movement. We get a great many doctors coming into Ontario from the United States and from other provinces. I don't think it's a matter of encouraging at all, although I should say that the ones who do come in, come in to fairly specialized positions, where there is not a Canadian available, and we check all those out to ensure that.

I have no intention of sending my deputy minister or the head of OHIP or anybody else down to the states to recruit doctors, none at all.

POINT OF PRIVILEGE

Hon. Mr. Norton: I believe it to be a point of privilege, Mr. Speaker. I stand to have it reclassified by yourself if you should see fit.

Mr. Breithaupt: He will.

Hon. Mr. Norton: I have just recently been delivered a copy of a disturbingly misleading Canadian Press wire story which has caused me to rise on this point of privilege, because I would like to assure my colleagues on both sides of this House that the implication in the story is inaccurate and misleading.

I presume that the story can only have been based upon an interview, a brief one, which I had yesterday in the corridors of this Legislature with a particular female reporter from the Toronto Globe and Mail—

Mr. Lewis: I am glad you identified the sex for us. It is very helpful.

Hon. Mr. Norton: —and the matter under suggestion—I will name the person if it should clarify it for any other female reporter from that newspaper. It's the one and only Miss Barbara Yaffe.

I will read, Mr. Speaker, the first paragraph of the story. It says, "Keith Norton, the Ontario minister of social services, says he is in favour of allowing provinces to spend federal dollars earmarked for social services on roads, bridges and other priorities."

Mr. Lewis: That was in the story this morning in the Globe.

Hon. Mr. Norton: I didn't see the story this morning in the Globe. I apologize for having not raised it at that time.

Mr. Lewis: It seemed perfectly in order.

Mr. Speaker: Order. Will the member for Scarborough Centre just keep quiet.

Interjections.

Mr. Speaker: Scarborough West, I'm sorry. I could never accuse the member for Scar-

borough West to be in the centre of anything except turmoil.

Hon. Mr. Norton: Mr. Speaker, if I might conclude. My concern is that this story is, as I have suggested misleading. It is a perversion and distortion of the truth as it relates to what I said in this building yesterday. I did, in the course of that discussion, indicate that I favoured the kind of flexibility that would be permitted under a block-funding proposal to plan for the needs of the residents of this province.

Mr. Lewis: It is exactly the same thing.

Mr. McClellan: It is exactly the same thing.

Hon. Mr. Norton: But at no time in that conversation was there any implication on my part that I supported, as this story suggests, the spending of money earmarked for social services in this province on roads or any other kind of priorities. I want to assure my colleagues that is not the case, and it will not be the case as long as I am in the office that I hold at the present time.

Interjections.

Hon. Mr. Norton: If it is necessary, in order to avoid this kind of perversion of the truth, that I terminate communication with that particular reporter, I will. And if my colleagues hear of that in the near future, I hope they will understand what has motivated it.

Mr. Speaker: I consider that a legitimate point of privilege.

Mr. Lewis: What about male reporters?

Mr. Sargent: That's the only thing you guys have got to do all day.

CNR CUTBACK

Mr. Bolan: Mr. Speaker, a question of the Minister of Northern Affairs.

In view of the fact that the minister announced at the end of September that the Northlander rail passenger service, which is operated by the Ontario Northland railway, would have to cut back on its services after October 30 because of an anticipated deficit of \$2 million at the end of its first year of operation, is it still his ministry's intention to proceed with the cutback? How can the minister possibly justify a cutback in services after only five months of operation?

Some hon. members: Shame.

An hon. member: What a northern minister.

Mr. Lewis: He is paranoid, I told the minister he would regret it.

Hon. B. Stephenson: Not as much as you.

Mr. Speaker: There is too much under-current of noise in the chamber. Will you tone it down, please?

Hon. Mr. Bernier: The Northlander trains were placed in operation on June 8 of this year on an experimental basis. I think the experiment was for at least one train to operate into the northeast. Two trains were added on a daily basis—one into Timmins and one into North Bay—in addition to the conventional train that was in place.

There have been some substantial losses in that particular experiment to date, mainly because of a lack of federal government subsidy on the passenger train service.

Mr. Conway: Such national unity.

Hon. Mr. Bernier: The major rail lines—the CPR and the CNR—do obtain those kind of subsidies. My colleague, the Minister of Transportation and Communications, is in contact with the federal authorities in the hope of gaining some assistance in those losses, through the same formula that applies to other major railways in this country. Also, of course, to negotiate a better understanding with regard to the cost of operating those trains on the lines owned and operated by the CNR. As the member for North Bay knows, they are assessing us at \$13 a mile for operating those particular trains into the northeast and that, too, is adding to our burden.

Mr. Conway: Do something about it.

Mr. Pope: Talk to your friends in Ottawa. Interjections

Hon. Mr. Bernier: I might say to the hon. member that there has been a further consideration given to this experiment. While the discussions are going on with my colleague and the federal authorities, there will be an extension of the Northlander operation to the service into the northeast—hopefully, to the end of this year.

Mr. Bolan: Supplementary, Mr. Speaker.

Mr. Speaker: If it is very brief I will except it. We have time for only one more question.

Mr. Bolan: It is very brief, Mr. Speaker. Why does the minister consider a deficit of \$2 million excessive for the provision of a rail passenger service to northern Ontario, when this government subsidizes other transportation into remote areas of northern Ontario—such as the GO train and northern Ontario—to much vaster sums than \$2 million?

Mr. Conway: The Tories don't like the north.

Mr. Speaker: The hon. member for Carleton East with a brief question—hopefully.

[3:15]

CONDOMINIUM LEGISLATION

Ms. Gigantes: A question of the Minister of Consumer and Commercial Relations, Mr. Speaker: Given that it is now a year since his predecessor announced the creation of the Ontario residential condominium study group, can he tell us first of all when he expects the study group report; and second, when the owners of more than 100,000 condominium units in Ontario can expect some legislative reform?

Hon. Mr. Grossman: Mr. Speaker, I am expecting the copy of the report to be submitted to me some time within the next four to eight weeks, depending on printing. That's all that is holding it up at the present time, I believe.

Mr. Breaugh: That's what was said in August.

Mr. Cassidy: That's what was said in June.

Hon. Mr. Grossman: As soon as I have it I will make it public immediately I would hope discussions ensue shortly thereafter and, depending on how they go, I would hope to have something some time early next year, but we'll have to see how the public discussion goes—

Ms. Gigantes: Public discussion?

Mr. Breaugh: Is the minister going to bring Darwin back on another task force?

Hon. Mr. Grossman: The report is going to be made public. Obviously there will be discussion ensuing over the eight, ten or twelve weeks after it becomes public. I hope that we can get a handle on those recommendations and the response to them, and have something some time early next year.

Ms. Gigantes: That means another year.

Hon. Mr. Grossman: No, it doesn't mean another year

Mr. Speaker: The oral question period has expired.

INTRODUCTION OF BILLS

TOPSOIL PRESERVATION ACT

Hon. W. Newman moved first reading of Bill 72, An Act to preserve Topsoil in Ontario.

Motion agreed to.

Mr. Lewis: That's what they are going to use the social service money for—to pay for the topsoil.

Hon. Mr. Norton: Over my dead body.

Mr. Foulds: Is this to prevent the drought?

Hon. W. Newman: Mr. Speaker, this bill is permissive legislation to allow the municipalities of the province of Ontario to pass the necessary municipal bylaws for the control and removal of topsoil in the municipalities of the province.

ONTARIO GUARANTEED ANNUAL INCOME AMENDMENT ACT

Hon. Mrs. Scrivener moved first reading of Bill 73, An Act to amend the Ontario Guaranteed Annual Income Act, 1974.

Motion agreed to.

Mr. Conway: Did they like the minister at Carleton yesterday? How was the national unity? Did she give the French a good go?

Mr. Speaker: Order.

Hon. Mrs. Scrivener: Mr. Speaker, effective on July 1 of this year the federal government amended the Old Age Security Act to change the residency rules for the old age security pension to enable the payment of a partial pension to persons who had not resided in Canada long enough to qualify for a full pension. The amendments to the Ontario Guaranteed Annual Income Act bring Ontario's legislation into line with the federal legislation.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Before the orders of the day, Mr. Speaker, I wish to table the answers to questions 18 and 21 standing on the notice paper as well as the answer to question 20. (See appendix, page 967.)

ORDERS OF THE DAY

PRIVATE MEMBERS' PUBLIC BUSINESS

PRIVATE ROAD ACCESS ACT

Mr. Maeck moved second reading of Bill 63, An Act respecting Motor Vehicle Access to Property by Private Road.

Mr. Maeck: In rising to speak to my bill, An Act respecting Motor Vehicle Access to Property by Private Road, I can't help commenting a little bit on the fact that my name was drawn first both last year and this year in the draw. I think I would like to inform you, Mr. Speaker, that in fairness to other members I don't intend to put my name in the next time around to give everybody a fair chance.

Mr. Ruston: Buy Wintario tickets, Lorne.

Mr. Maeck: I must say it was probably more embarrassing to the Clerk who drew the name than it was to me.

Mr. Foulds: Anything can happen. They didn't make you a cabinet minister, hang in there.

Mr. Maeck: Luckily we did have the media present so that everybody knows it was honest and fair. However, I will step down and let someone else have a chance at the first ballot.

With regard to my bill, I would first like to say that the problem I seek to remedy was brought to my attention by a number of people in my own constituency. I have subsequently found that the problem is really quite widespread, particularly in what we know as cottage country, in the province of Ontario. The point I would like to make here is that this is precisely the kind of problem that I believe a private member's bill can hope to remedy. Let me give an example of what I am talking about.

In my riding there is a parcel of land that runs out into the lake. Some 18 years ago or more, the Crown sold the land and it was divided into about 20 lots for the use of cottagers. Since there was no road allowance on the parcel, the cottagers got together and agreed to build their own access road across the rear of each lot. They paid for the original construction and the subsequent upkeep of the road themselves. For many years this private road served the cottagers very well.

Recently, however, one of the lots was sold and the new owner sought to exercise his property rights by closing the road. He poured a number of loads of fill on the road effectively preventing the other cottagers from reaching their property. He sought the payment of an annual fee in return for opening the road again. In my opinion this behaviour was unconscionable and the stranded cottagers should be provided with some type of relief. This arbitrary closing of roads in my estimation is a serious problem and one which this bill could remedy.

What is happening now is that a cottager may drive up to his lake only to find the private road into his or her property barricaded. As a result he or she cannot reach the property by car, which, especially in the case of opening or closing the cottage, can really present a serious problem. What my bill is intended to accomplish is the prevention of arbitrary closing of private roads where legitimate owners or tenants are totally dependent on those roads for motor vehicle access.

It should be pointed out that problems of this kind cannot arise any more. Under the Planning Act and various legislation no one

is allowed to sever parcels of land which do not have direct road access. What I'm talking about are situations which developed in the past which now pose problems. As I stated previously, the intent of the bill is to prevent arbitrary closing of roads.

In the bill I attempted to achieve that end by placing the onus on the owner of the property to obtain a court order. Of course questions immediately arose as to the rights of the owner who sought to close a road. The road, after all, did cross his property. But I am concerned that the rights of others would suffer as a result of closing a road which has been open by mutual agreement.

There are probably some cases in which alternate road access is possible, perhaps by developing an existing road allowance. What worries me, though, are those cases like the example I mentioned in which no other road access is feasible. I might add that I would like to see problems such as these amicably settled, of course, by mutual agreement. It should be possible for reasonable people to agree on a method of keeping a private road open where a number of owners or tenants are totally dependent upon it for access to their property. Unfortunately a happy resolution cannot be achieved in all cases, a great many of which come to my attention as a member of this Legislature. So I decided to see what I could do to help resolve some of these disputes and you now have the result before you.

Since filing the bill on September 1 with the Clerk, I have canvassed many who are familiar with this particular problem. The consensus would appear to be that the intent of the bill is acceptable, but the mechanism I propose requires some clarification. For instance, I should not, perhaps, have used the word "thoroughfare" in the bill, since the roads I have in mind do not provide public access from place to place or town to town. As well, there may be some confusion regarding the word "private." Perhaps what I should have said is "existing."

The principal problem, as I see it, is with roads that have been in existence for travel for a number of years but that are not recorded on title as municipally owned roads or private road rights of way. In the case of an arbitrary closing by a resident of a municipally owned or maintained road, where there is doubt about the actual municipal ownership of the road, the present situation is that the municipality must prove to the court's satisfaction that it does indeed have a legitimate claim to the ownership of such a road. This is a difficult task, given the state of the historical records dealing with

such roads, as well as being costly and time-consuming. While the case proceeds, the residents who require the use of that road to reach their properties are deprived of motor vehicle access.

I understand the Ministry of Treasury, Economics and Intergovernmental Affairs is looking into a means of establishing that all roads that are municipally maintained and publicly travelled are indeed owned by a municipality. If this can be established, then many of the problems we currently face will disappear. However, there will remain those problems concerning the communal use of a road by residents under an informal agreement among the various property owners using the road.

It has also been brought to my attention that a number of persons and corporations close a private road for 24 hours a year in order to maintain their rights to the road. These roads are otherwise open for the public the rest of the year.

In any event, it is not my intention to affect property rights adversely. I am interested only in protecting those property owners and tenants who would have no other means of access to their properties should a road be arbitrarily closed.

In the bill you will notice that I sought to place the onus on the person wishing to close the road. He or she would have had to apply for a court order closing the road and 10 days' notice would be given those owners and tenants who would be affected. It's been brought to my attention that by placing the onus on the owner, we might be interfering with property rights. This, as I have said, I have no intention of doing, and for this reason, as well as for a number of others, I have decided that the bill will require some revision.

On Tuesday I delivered to the various caucus offices copies of the bill as I would like to see it changed. I hope that members have had an opportunity to read the revisions.

The member for Nipissing (Mr. Bolan) didn't see one? Sorry. If he didn't get one, I left them at his caucus office, but I happen to have another one here somewhere. I'll send it over.

Mr. Lawlor: They are fairly extensive.

Mr. Maeck: Rather expensive, yes.

Mr. Foulds: Extensive.

Mr. Maeck: Yes, expensive and extensive.

Mr. Lawlor: I'm not worried about the expense.

Mr. Kennedy: What's a million, Pat?

Mr. Maeck: From those revisions, members can see that I propose to have anyone

wishing to close a private road give 90 days' notice to those who would be affected. This change, I believe, will remove the burden of seeking a court order. It will also provide affected parties with lots of time to reach an acceptable agreement either to keep open or close the road, or find an alternate access, or seek an injunction from the courts. If this change is acceptable, and should the bill go to committee, then I will have achieved a great part of my objective.

If the 90 days' notice provision works, there will be no such thing as an arbitrary closing of a private road. In case of dispute, matters will be settled as they are at present, in a court of law.

Mr. Speaker, let me repeat that the objective of this bill is clear. I want to see the arbitrary closing of private roads stopped where there is great inconvenience to others who are dependent upon that road for access to their properties. I believe most hon. members would agree with that objective. In order to avoid some difficulties, I have indicated that the mechanism used to achieve that end should be altered from the original bill that was printed.

[3:30]

The kinds of alterations I would like to make have been drafted, as I mentioned, for the members to read. Should this bill receive approval in principle, it is my intention to ask that it be directed to committee for amendments to be made. At the committee stage, it would be my intention to introduce the amendments that have been given to other members along with other amendments that other members might propose.

I have been relatively brief; so I would just like to restate the aim of the bill, which is to prevent the arbitrary closing of roads. I believe the principle is straightforward and clear. I would, however, like to reserve the remainder of my time to answer questions or make clarifications, if any should arise. If there are none, then, of course, I obviously would not need any more time, Mr. Speaker.

Mr. Bolan: I share some of the concerns that the hon. member for Parry Sound shares with respect to cottage owners who, all of a sudden, wake up and find out there's a fence strewn across the road they've been using for the past 30 or 40 years. Coming from northern Ontario and coming from a fairly intensive tourist and cottage area, I find it's a problem we run into quite frequently. In fact, as a lawyer, I've had several occasions to deal with cases of this nature. What usually happens is that you commence an action for a declaration that you have right-

ful usage over that road. You also bring an injunction to prevent the owner from locking it up and what have you. I'm sure the hon. member for Parry Sound has received many complaints from the constituents in his area who are affected by this.

I support the fundamental idea of the bill. However, in view of the fact that the hon. member for Parry Sound will be bringing the bill back to committee for some modifications and changes, I would ask him to consider certain changes that I have in mind which don't take anything away from the bill. I think some of the points I will raise point out some flaws in the bill which, if allowed to go through in its present form, I don't think would be doing justice to either the owner or the person who seeks the usage of it.

First of all, I would like to deal with paragraph 2(1)(c) where it says, "the closure is of a temporary nature for the purposes of repair or maintenance of the road." This raises all kinds of possibilities. It raises all kinds of questions. Who determines what is of a temporary nature? Who is to determine the definition of temporary? Is it a month? Is it two months? Is it a day? Who determines and how does he determine when repairs are needed?

Supposing that the owner of the land, the owner of the road, really wants to be tough about it. He can say: "If there's a rut which is two inches deep, I consider that to be a road which is in need of repair, as a result of which, under the terms of this bill, I can put up the gate," because the bill specifically provides that you can put up a gate, or that you can lock out other users of it if the closure is of a temporary nature for the purpose of repair or maintenance of the road.

Just what criteria do you use? How many times can you close it down in one year for purposes of repair? I don't know. These are questions I pose to the hon. member who is proposing this bill. I would ask that he have a look at that feature of it because I can really see where an obdurate owner could create many problems for a person who is a user of the road.

The other section I would bring to the attention of the member for Parry Sound is section 3(1). While it's true that the onus is on the owner to show he has a right to close this road, 3(1) states: "An application for an order closing a private road may be made to a judge in the county or district court in which the proposed place of closure is located and the application shall include a description of the private road sought to be closed." I'm quite certain that anybody who

has a cottage and who does drive over a private road realizes that this road can be anywhere from 10 feet, 20 feet, 100 feet to a mile long.

How are we going to get a proper description of the road which is subject to this particular Act? One knows what the costs of survey fees are. I would venture to say that we would be looking at a minimum of \$500 to \$1,000 to a maximum of whatever the length of the road may be, so if one is suddenly faced with a need to close this road because of certain abuses which the users are perpetrating on it, one would have to bring the application to the district court judge.

Part of this application would have to be a description of the road. He can't say: "Starting from the northeast corner and following the oak tree 50 paces and then down to the big boulder which is on the rise of the small knoll, another 150 paces." We don't do it that way, and any judge is going to ask for a proper description of this road. One then has to go to the surveyor and then he is involved in fees which can be into the thousands of dollars.

Mr. Foulds: It can be done by metes and bounds.

Mr. Bolan: No, it can't be done by metes and bounds, no.

Mr. Maeck: Most of that has been taken out.

Mr. Lawlor: Look at the revision.

Mr. Bolan: Which revision is this?

An hon. member: We received it this morning.

Mr. Bolan: In any event, it would appear that that is covered by it.

The other point I would like to raise is the question of notice. I realize the member has changed it to 90 days. However, what does concern me is the question of service. Service can be effected by serving the person personally, or as it says in the revisions, by registered mail or by posting it on the land in a place and manner that the notice is conspicuous. We have to remember that many of these people who are affected by road closings are cottagers who reside outside of the area. They may reside in southwestern Ontario or they may reside in Pennsylvania or in Ohio. I don't think that if we are dealing with such an important thing as depriving the person of the use of land that service should be in the manner as described. I think service should be personal service. I think the service by registered mail would in some cases not result in the actual—

Mr. Lawlor: Did the member get a chance to look at the revisions? Again, they have changed it quite a bit there and they have it posted up on the property.

Mr. Bolan: I am aware of what the hon. member is saying, but it still does not insist that service be made personally and I feel there would be some serious and irreparable harm done unless service were effected personally. Personal service is not that difficult. One prepares the notice and sends it down to the bailiff or to the sheriff in the area where the person affected resides, then he is served personally with the document, so one knows then and there that he has been properly served.

Again, one can envisage a situation where the person comes to open up his cottage and there is a gate across his path and he says: "Well, my goodness, I haven't been served." They will say: "Well, you were served by registered letter," or "The notice was posted on the tree," or "It was posted on the gate near your property." What if the man has been gone for six months? Maybe he moved addresses. There could be 1,000 reasons why he has not been served properly and the only way to ensure proper service is personal service, particularly when we are dealing with something as fundamental as this, where someone is trying to deprive a person of use of a piece of land which he has been using for a long period of time.

As I say, I support the bill in principle, but I think the hon. member for Parry Sound might want to have a look at some of the items I have raised.

Mr. Foulds: Mr. Speaker, the member for Parry Sound has done the Legislature a great service for being the first member selected to discuss private members' bills on both occasions that we have had the new system.

The first time he had that opportunity, he brought to the attention of the Legislature important principles of law, and I suppose his first bill dealt with the very essence of humanity—a matter of life and death. In my view that's even more important than Tolstoy's "War And Peace."

What is interesting is that in this bill he brings to the attention of the Legislature in a somewhat indirect way, but nevertheless brings to the attention of the Legislature a question that I suspect is even more fundamental to the conservative cast of mind in this province, and that is the right of property.

Mr. Lawlor: Could anything be more sacred?

Mr. Foulds: I plan to speak to the revised version of the bill that the member provided

us with, rather than the original form, so that we can discuss in a sensible and logical way what will go to committee, should the bill pass. I do believe the fundamental principle has been maintained in the revised version of the bill; there has been no change in aim or principle. I think that that would be quite acceptable.

The hon. member in his opening statement has given us some examples of why he considers the bill necessary. The first question that I would like to raise—he dwelt upon the implications of the bill mostly in a rural and northern context—and I would like to raise the question with the member for consideration in committee stage as to what are the full implications of the bill in an urban context. I think that is one question that we should examine very thoroughly in committee stage.

The hon. member made mention of the plan, I gather by TEIGA, to find out how many roads, if any, in municipalities, are not owned municipally. I suspect there is a fairly large number at the present time, and that it would take a considerable period of time for those to be phased into a municipal system in terms of additional servicing costs that may at the present time be borne by the corporate owner or developer. This is only an instinctive feeling, but the feeling I have is that where it is applicable in an urban setting, the bill will have provided a protection for people in that setting that they might not otherwise have had up to this time.

In other words, I suspect there has been a gap in the legislation, and that would certainly be worth investigating for our debate in committee—that gap being that it is probably possible at the present time for a corporation to develop a piece of property, own the road systems in that piece of property, have the homes along it rented or sold. Then it is probably possible, although not very often likely to be used, for the road-way to be closed arbitrarily in an urban setting at the present time. If that is so, then this bill, I think, takes a step forward to remedying that situation.

I guess the most clearly delineated example that the member used was where a road had been built by common consent of cottage owners on what was in effect a peninsula. The road went down the centre of the peninsula, infringing on properties on both sides. All the people who owned cottages had granted informally an easement so that the road could be built and everyone would have access to his cottage. Apparently a Johnny-come lately owner near the end of the peninsula had taken his technical property rights

to close off that road. In that case, I would have to say that Proudhon's dictum I think legitimately applies that "property is theft." As to the right and the crossing of that property, he probably didn't know when he bought the property that that piece of property they closed off was in fact his property. He bought the cottage lot on sight, rather than on a narrow survey, and said, "I'm going to fence off that piece of property."

[3:45]

Frankly, there are a couple of areas, even in the revised bill, that I would like to see tightened up, without infringing in any common-sense way on property rights.

The first example I would like to use is a hypothetical example but one that I believe exists from time to time in the north particularly. That is when bush roads are built by pulp and paper companies or lumber companies to cut limits, and the limits in many cases are very extensive—7,000 or 8,000 square miles. I don't think there is any single limit that is bigger than that, but some of the combined limits go up to 14,000 or 16,000 square miles.

Over the course of time, those roads have opened up lakes, and the Ministry of Natural Resources has subdivided cottage lots on those lakes. The owners of those cottages have subsequently used the road built by the pulp and paper company for access to their cottages.

What bothers me is that it is possible, I think, by only using the word "ordinarily" in the definition section of the bill, that the pulp and paper company could close the road arbitrarily, because it could be argued, in court at any rate, that the ordinary use of the road was for extraction of timber from the area and it is only as an incidental use of the road that the cottagers are using it to get to their cottages.

Therefore, I would also like to suggest that we include in that definition some other word such as "regularly," so that a cottage owner who goes up to his cottage even once or twice a year but on a regular basis, at least has the chance to put an argument to the judge that counteracts the argument of a pulp and paper company that might be in that position.

Of course, that doesn't infringe on the right of the Ministry of Natural Resources that exists at present to close any of those roads under any circumstances should there be a fire danger.

The other clause that I would like the hon. member to take a look at if the essential principle of the bill is to be adhered to, is

the subclause of closure for maintenance, 2(1)(c). I think the member for Nipissing had a couple of valid observations to make on that point, that we should perhaps at some point in the clause insert the words "bona fide," so that the repair or maintenance is in fact genuine. I think that clause could be used as a loophole. Someone could put a barrier across the road, shove a shovel in the middle of a shallow puddle off from the road, or in sand, and say, "I'm repairing the road." You could then have an argument in court what, in effect, would be genuine repairs to the road.

I think we should also take a look at the length of time there. I know this is difficult, but if there is a small washout, it should not take two summer seasons to repair it. I'm afraid if the clause as printed at present stays in without some qualification, such as "for a reasonable period of time"—that's by no means an iron-clad phrasing—but that idea, I think, should be included in that clause.

All in all, the general intent of this legislation I find very supportable, indeed, in that especially it protects owners—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Foulds: Could I just finish the sentence, Mr. Speaker?

Mr. Deputy Speaker: Yes, you may finish the sentence.

Mr. Foulds: I won't even go back and repeat the first part—of cottages and other property from arbitrary measures, and things that protect the citizens of Ontario from arbitrary measures are not only good enough for Junius in the *Globe and Mail*, but in this particular instance they are good enough for me.

Mr. Kennedy: I am pleased to rise in support of this bill, in fact in support of both bills that are going to be heard this afternoon.

The member for Lakeshore mentioned something of the cost of this, or it was mentioned earlier as an aside. That is no great concern here as I see it, but it certainly is in the second, along with the bureaucracy that is needed. If it does pass, I would hope it goes to committee where these things can be sorted out. As I say, I am in support of both of them this afternoon.

This bill is filling a need that has caused hardship on occasions. I have some familiarity with instances such as this bill is designed to remedy. None of us likes to be in a position where we are left stranded on arriving on a rainy Friday night, with the

children screaming in the back of the car and this type of thing, to find the gate closed across the roads. It causes very human problems. Where a person has enjoyed informal access either under informal agreement or perhaps no agreement for many years, then this access can be stopped up without any notice or indication at all.

The subject matter is attractive to me because it can alleviate such problems as this. I am in support of this principle. I am sure the hon. member will agree that arbitrary closing is a hardship that should not be endured by owners or tenants or leaseholders who have access through or over a private road.

Mr. Lawlor: But surely a man should be able to do whatever he wants with his own property.

Mr. Kennedy: A very good point. Just bear me out and hear the rest of the point.

This is the first thing, as a matter of fact—to the member for Lakeshore—that struck me. I recall a number of years ago when the member and myself were putting through some private members' bills I had one with respect to the right of entry which was a protection to private owners from the intrusions of authority without proper notice. I don't know whatever became of that. I think it might be built into the revised Municipal Act at this point.

Anyway this came up. I don't believe owners should have their legitimate rights interfered with. They tell me, with or without this, it is necessary or can be necessary for an owner who stops up a road to obtain a court order because this can be protested or challenged by the private owners who are not longer able to use the road and they can go to court. In the meantime, the road is blocked. The bill is to alleviate this. If there is a very slight infringement on civil rights or property rights for a few days—and it doesn't have to be 90 days—they can settle the thing in advance or perhaps in a week, if they are not living out of the country, as the member for Port Arthur suggests.

There is one change I would like the sponsor to consider in this. Maybe it is a matter of clarification, but if it goes to committee it could be dealt with. I may be picking a nit on it. It is section 2(1) where I have underlined the word "all". The change is "prevents 'all' road access." That perhaps covers it, but I would suggest after the word "access" he should insert "over such road" because "all road access" I can interpret as being road access that could go in any other

direction. Perhaps that would clarify it. Perhaps the underlying word "all" in the bill covers the point.

The problem is generally only relevant to cottage country but as I mentioned it can be a hardship.

Mr. Lawlor: You have a lot of private roads in your riding.

Mr. Kennedy: We have driveways. Your own driveway, yes.

Mr. Lawlor: All those estates south of the highway.

Mr. Deputy Speaker: Order, please.

Mr. Kennedy: Those are private roads to your own property. Those are driveways. We are not talking about driveways.

Mr. Lawlor: The same thing.

Mr. Kennedy: You should consult a lawyer. There are lots of instances where no other way in is possible. So we move this forward and I support it, to overcome that.

I agree with the member. I had a couple of notes, and I am sure the member for Parry Sound will touch on these points. The member for Nipissing mentioned maintenance. In cottage country this is usually a shared agreement by the owners to put on some gravel or perhaps fix a culvert and this type of thing. But again, I think the 24-hour clause covers that point.

Legal descriptions: This throws a curve, if someone did have to get an involved legal description, and certainly surveyors don't come on a low budget in this day and age. In committee or perhaps if the member responds, section 3(2) and 3(3) mention where the judge considers proper. I don't know if this would take you around the problem of obtaining a precise legal description. The owner or the tenants or cottage owners whose access was being impeded could say to the judge, "That road is to our lake, you know where it is, Judge. They've blocked it up." Whether he would accept that or not—or whether he would consider that proper in the circumstances—I would hope so.

Personal service: I don't think that should throw us, because there are so many pieces of legislation whereby notice must be served on people. You could go to any one of so many Acts and use that as reference material in order to ensure that appropriate and proper service was given.

I commend the member for bringing this forward, and as I said at the outset, I am pleased to support the bill.

Mr. Kerrio: Mr. Speaker, I rise in support of this bill. I would like to tell the member for Parry Sound that I am a frequent visitor

to his area, that I spend much of my leisure time in the north, and this particular—

Mr. Lawlor: You spend a lot of time in the north then.

Mr. Kerrio:—bill addresses itself to a very important problem that exists for some people, not only property owners but those people who travel throughout the north.

I have listened with interest to many of the comments by my colleagues and I concur with many of them. If I were to offer something constructive in the way of the drafting of this bill it would relate to section 2. I think it may be very significant and I hope the member for Parry Sound will make note of it and if such part should be altered in any way he may address himself to it.

It says specifically in section 2 that "no person shall construct or place a barrier or other obstacle over a private road that as a result prevents road access to one or more parcels of land"—I won't go into the subsections. I am suggesting that an owner could alter the road in another way or other ways that would prevent access over the road. Typically, he could remove a bridge, or come in with a bulldozer and remove a part of the road. I think if the member will read the bill carefully he'll find that possibly this part has really not been covered adequately, so that this bill could be circumvented by such action.

[4:00]

I had another concern and I'm sorry to say I just got the revised copy of your bill. The member has addressed himself to many areas that were of concern to me. One of great concern to me is the fact that I think it's important that we in this Legislature protect the rights of the individual property owner and that we make very sure that in such legislation, where the owner is not going to get any more services for the situation that may develop in the closing of such a road, that we don't put him to any great expense to defend his position. I think it's incumbent on us to make certain that that doesn't happen.

So, in closing, I'm pleased to support this bill. I hope the member will take those few remarks into consideration and I think that that, in fact, is all I would have to offer in this debate.

Mr. Philip: I rise in support of this bill, Mr. Speaker, and I will also be supporting the next bill. The case that the member for Parry Sound used in his lead-off speech is not an isolated one. I've run into several similar examples in different parts of the province: roads which, for whatever reason, are not legally recorded and can cause

problems, the needless legal expense that can result from misunderstandings and alterations, often ones that are human relations problems and have nothing to do with the particular property. These needless expenses, I think, can be to some extent overcome by this kind of bill.

The fact is that the major principle and purpose of the bill, which is to stop the arbitrary closing of the road, is one that I don't think anyone in this House can oppose. The member for Parry Sound has indicated he is willing to have the bill go into committee, and some of the points raised by previous speakers for consideration, I think, are ones that may well be looked at in committee, but certainly are not reasons for offering any opposition to the bill.

Lest anyone think this bill is merely one that affects the cottage country areas, let me share with you the fact that my colleague, the member for Yorkview (Mr. Young), informs me he has run across examples where this bill would be of assistance to residents in his riding, many of them immigrants who purchased property without perhaps sufficient legal counsel—

Mr. Laughren: Poor legal counsel.

Mr. Philip: —who have in fact had difficulties in the area of York county. The member for Port Arthur has just asked the question of application to urban settings, and I think that perhaps the experience of the member for Yorkview, then, is some confirmation of the need to look at this.

The clause concerning the closure of the road for maintenance or repair certainly needs strengthening. One might argue that no one would have any, or one might argue that one would not likely have, an economic reason for unreasonably holding up access. However, the fact is that often in cases like this, it's not an economic problem, but a human relations problem; someone just doesn't get on with his neighbour. This kind of legislation will help to regularize that kind of situation.

In voting for the bill, for any bill, one must consider not only who will have some advantage as a result of the bill, but also who can possibly be damaged by the bill. I made a number of telephone calls to those whom I thought might be interested in this particular bill. The last person I was talking to was one of the researchers at the Ontario Federation of Agriculture. It's significant that while not everyone I spoke to was in favour of the bill in the sense of seeing some definite, concrete advantage to him or to his interest group, no one that I spoke to saw any disadvantage to his particular group.

I would therefore voice once again my support for the bill and my compliments to the mover of the bill.

Mr. Handleman: Mr. Speaker, I am pleased to speak on this bill at all and I'm particularly delighted to be able to speak in support of it. I speak in support of it because I feel it is most appropriate for a discussion at this particular time of the week. I have had other responsibilities in this Legislature and I have found that in many cases, in my opinion, some of the bills that were introduced were not appropriate for this particular hour. This one is.

It fits the philosophy that I've had of government for a long time in that it's declaratory. It does not involve the government in the administration of anything. It does not require any regulations. Nowhere in the bill is a ministry, a minister, or the Lieutenant Governor in Council mentioned, and that is the kind of law I like to see.

Mr. Lawlor: These are all the virtues of it.

Mr. Handleman: We leave it to the courts, and I think the hon. member for Lakeshore would agree that—

Mr. Wildman: It is the only kind of law that can operate well under your government.

Mr. Handleman:—the courts are the best arbiter of this kind of legislation.

There is a need for it—not a burning public, urgent need, but the member has spotted a problem that exists in this province. A number of people suffer from the deficiencies because the law does not cover this kind of situation and therefore he has quite appropriately used the privilege that has come to him by lot to bring forward to this Legislature a remedy for that kind of problem.

Throughout the discussion a great deal has been made of cottage territory. I want to make it quite clear that I speak in support of this from personal experience in an urban and suburban area. We haven't always had the very sophisticated planning devices that are now in place. At one time, I lived in a subdivision that was registered some 70 years ago in an urban area. Through inadvertence or lack of control, a builder built four houses on three city lots. The obvious remedy that would come to mind now would be to tear down one of the buildings. In those days we were a little bit more practical. An arrangement was worked out so that one of the property owners gained access to his property by entering it through somebody else's lot.

It was a matter of goodwill, a matter of friendliness, a matter of neighbourliness.

That's the kind of thing that does apply in most places in this province under those circumstances. But every so often in a fit of pique, as the member for Etobicoke mentioned, a person will deny his neighbour the right of access.

What this bill does, no matter what the clauses may say, is to provide a cooling-off period when a person who is denied that kind of privilege can try to persuade the person who has denied him the privilege of entry to allow him to do it. If the person who has done the denial has good cause, he can prove it, in a court if necessary. I feel this kind of cooling-off period would result in very few cases going to court, that the thing would be settled as a matter of agreement between people who are reasonable, and in the odd case where there is going to be an arbitrary closing of a road, the court can provide some relief to those who are denied access to their property.

In so far as it interferes with the absolute right of control over private property, there's nothing new about that. I think this Legislature, this government and all governments everywhere in the civilized world have recognized that in the public interest there must be some control over the absolute right to enjoy private property.

I was somewhat interested in hearing the member for Port Arthur support the bill on the ground of potential corporate abuse, which I suppose meets his philosophy. Whatever the support for this bill and for whatever reasons, I welcome it.

I want to congratulate the member for Parry Sound for having brought this forward because I do say again that this kind of bill should be brought forward in private members' hour and should be supported by members on all sides of the House. I'm pleased to see that it has been.

Mr. Lawlor: That's the best speech you've ever made.

Mr. Speaker: The next member I have on this list is the hon. member for Renfrew North (Mr. Conway). I'll recognize the hon. member for Algoma.

Mr. Wildman: Mr. Speaker, I rise in support of this bill and I want to congratulate the member for Parry Sound for introducing it. Although there have been statements made about the application of the bill to urban centres and so on, I think it has special application to the north and to ridings like mine.

In many areas of unorganized territory in northern Ontario, there have been developments in the past which did not follow the

planning procedures that normally are followed in municipalities. As a result, there are sometimes situations where people have cottage lots or permanent homes that can only be reached by crossing someone else's piece of property. That's also sometimes true because of the topography of the area: There might be a road allowance in an area but in the old days, when it came to building the road, it was too difficult to cross a sudden rock outcrop in the middle of the road allowance and they just went around it. In many cases, going around it meant going across private property.

As was mentioned by the member for Nipissing, this just doesn't mean you're talking about short pieces of road. In some cases in my area you're talking about crossing two or three miles of large bush lots that are actually owned by someone else.

Since I was first elected in September 1975, I've had a number of cases come to my attention in areas that were unorganized and have since become municipalities where the history of the easement, if there was one, is very unclear. There have been questions as to who has the right to control the road because it's a new municipality. Does the owner of the property control the road? Do the people who are using the road control it?

There have been suggestions that if public moneys were expended on the road for maintenance in the past, it could mean that it was public. There might have been a roads board or a statute labour board in the past that spent some money on maintenance, but I understand in law that's very unclear and very questionable. Just because public moneys have been spent on the road, the fact is it still may not be a public road.

What is most commendable about the bill, I think, is that it makes it impossible now for an arbitrary closing, a sudden closing, where people are not informed in advance. That's the most attractive thing about the bill.

One other thing that I think is also good about it is that in giving this 90-day period, it makes it possible for a mutual agreement to be worked out; hopefully that can avoid having to go to court to solve the whole problem in that manner but, if that's necessary, fine.

Also, I liked the comments in the opening statement of the member for Parry Sound where he suggested that in some cases it might be possible now, with our better technology and perhaps more money to be spent, actually to build an alternative access along a road allowance; that kind of agreement

could be worked out if a municipality is being organized.

For those reasons, I want to commend the member for Parry Sound for introducing the bill and to assure him that he has my support on second reading.

Mr. Speaker: If there are no other members who wish to speak, the hon. member for Parry Sound has the right to use his unexpended time.

Mr. Maack: Mr. Speaker, I don't intend to use the nine minutes that are allotted to me but I do want to thank the members most sincerely for their support on this particular bill.

I believe it is a good piece of legislation. There is no question that some amendments will have to be made in committee if it passes the vote later this afternoon. But I do have some concerns about some of the things that have been mentioned by the hon. members.

Some of the items that the member for Nipissing spoke about, of course, were contained in the original bill and have been changed in the proposal that I have put before the members of the Legislature. I believe the matter of maintenance in that particular section will have to be dealt with further.

The matter of personal service is something I thought about for a long time. Unfortunately, there are cases where we have people from the United States and other areas who own property and could be affected. To be able to give proper service to those people—that is, personal service—may be very difficult. I did change the matter of service in my proposal from registered mail to notices handed to an adult who is an occupant of the land or to the notice posted on the land in a place and manner that makes the notice conspicuous to an occupant of the land. I thought that would, perhaps, cover the situation. However, we can debate this further in committee.

[4:15]

There were other suggestions made by various members who took part in the debate, but I believe those are things that should be debated if and when we go to committee. Again, I thank the members very sincerely for their support.

Mr. Speaker: That concludes the debate on item 1.

SMALL BUSINESS IN ONTARIO ACT

Mr. Eakins moved second reading of Bill 64, An Act respecting Small Business in Ontario.

Mr. Eakins: Mr. Speaker, it is with pleasure that I rise to introduce my private member's bill, an Act respecting Small Business in Ontario. As indicated to you previously, I will endeavour to confine my remarks within the 15-minute range and, if necessary, to sum up with a response to any concerns that might be expressed.

We, in our party, are committed to the support of the independent entrepreneur and the free enterprise system which is an integral and important part of Canada's democratic tradition. In the past, free enterprise has helped our country to grow and to prosper. It has a vital role to play in the future of our nation, particularly with respect to sustaining and strengthening our economy.

Mr. Laughren: It's doing a lot for Sudbury. Yes, tell us more. Great system. Creating all sorts of jobs. What a joke.

Mr. Eakins: The very survival of this system depends not only on a viable big business sector but, more importantly, on a wide-ranging and flourishing small business community. The great potential of small business has been clearly demonstrated. It is flexible, able to adapt quickly to changes in the market and possesses great capacities—

Mr. Mackenzie: Free enterprise, and you want government controls.

Mr. Eakins: —for technological and other innovation. However, small business has been neglected by governments in this country and its importance diminished by comparison with the large corporations. For example, it is not heavily favoured for subcontracting as in the case of Japan, Germany and the United States where governments have fostered and supported the growth and development of small business.

While we have at present in Canada a very widespread small business sector, typical of any large country with a comparatively small population, it has not to date been able to develop even a small percentage of its full potential. I believe we must now move as quickly as possible to give increased emphasis and impetus to the small business sector because it is uniquely adapted to cope with the kind of economic conditions which prevail. Our sagging economy needs assistance from every sector in the business community and small business can make a very considerable impact on our current critical unemployment situation.

If we are to have any hope at all of reducing today's tragically high unemployment, of strengthening our economy by meeting the challenges of today's competitive markets, we must drastically readjust our ideas and

our priorities. The old concepts of large companies of increasing concentration are outdated. Large companies may be efficient. Mass-produced items may be inexpensive—maybe. However, big business does not have the flexibility to adapt to today's conditions of slower financial growth.

Here in Ontario, we desperately need to ease the pressures on our highly congested urban centres and to improve the tax base and development of our smaller communities. Small business ventures are ideal for this purpose. Moreover, they can be crucial to reversing the present economic trends. Many of our current economic problems are caused by an inability to adjust to the new realities, by carrying over into the seventies the practices and ideas of the more prosperous, more buoyant sixties.

An even greater challenge will face us in the next decade. We simply must conserve our resources, particularly our energy supply, and increase our efficiency. Inevitably, energy prices and in fact energy supplies are going to have a major impact on the future of this country. Domestically and in the international arena, rising costs are making large, wholly automated, capital and energy intensive, centralized enterprises less viable.

This country's future economic development and the standard of living of all Canadians will depend to a great extent on our ability to become more self-reliant and conservationist. New technologies, such as solar heat and others, lend themselves to small operations and small-scale equipment, with a considerable potential for export to other countries, particularly the developing nations.

Bearing in mind the vital importance of energy-related transportation costs, smaller, more localized firms will be more energy-saving than large, regional or national enterprises. With developing technology, there will in the years ahead also be much greater emphasis on small-scale operations which take advantage of local resources.

I believe there can be no question that a strong and expanding small business sector will enable this province and this country to be more competitive and more self-sufficient. Clearly, the time has come when we must accept the fact that we can no longer rely upon our natural resources or our borrowings in the international money markets as a means to compensate for our enormous trade deficit. Small firms have the potential to make a major contribution to the balance of payments by replacing imports.

This is just one example of the extent to which a strengthened and expanded small business sector would generate essential eco-

nomic and social benefits for this province and for the country as a whole. We in our party have a fundamental commitment to competition and diversity as essential elements of a prosperous, democratic society. We believe that deconcentration of economic and political power will create conditions in which people are able to contribute to society in a meaningful way.

Today, more than perhaps at any other time in our history, Canadians need to know that they have a contribution to make; that they have a stake in this country and its future. A thriving small business sector encourages individual initiative and the development of a full personal potential in the business world. As a general rule, small firms offer wider scope to the individual, the possibility of making a greater, more personal contribution and also, in many cases, increased opportunity for personal advancement.

The social benefits of small business cannot be overlooked. The great majority of people have an inborn desire to be independent—in the language of our times, to do their own thing. In our highly industrialized western society, there is little room for the discovery and development of the talents of the craftsman and the artisan. There is a great deal of on-the-job alienation. Many employees drag through their working days in jobs which they consider soul-destroying. Small firms help to build communities and individual self-reliance. They can be the catalyst through which individuals develop unique talents and skills, and the channels through which society can benefit from these talents and skills.

Earlier this year, the European Economic Community released a study of small and medium-sized businesses which indicated that the small firm sector could be an important factor in the reduction of alienation and social tensions. The study maintained that, and I quote: "Since small and medium-sized undertakings are so important for job stability and the maintenance of industrial peace, all social legislation should be geared towards maintaining independent businesses."

Over the past year, the number of unemployed in Ontario has been rising significantly. As of September, more than 262,000 were unemployed in this province. That's a real rate of 6.5 per cent; a seasonally adjusted rate of 7.3 per cent. Again for September, the number of unemployed young Ontarians, those under 25 years of age, was 139,000 or 12.1 per cent. Before this situation becomes even more serious, we must find the means to stimulate our economy and create jobs.

The small business sector employs between 50 and 60 per cent of all working Canadians. Small business is labour intensive and can create new jobs much more quickly and cheaply than capital-intensive industries. It has been estimated that the small firm sector can produce a new job for under \$5,000, while the capital-intensive sector may require anywhere from \$70,000 to several hundred thousand dollars or even \$1 million, depending on the industry. Our party believes that, if for no other reason, the small business sector should be supported and promoted because of its job creation capacity in view of this province's high unemployment.

In this connection, during the recent election campaign and the months since, we have proposed a program for government to work with small business to create the jobs we need by paying 20 per cent of the salary for each additional worker hired by a small business. We have proposed that this should be done up to a net gain in previously unemployed people of 10 persons per firm for a three-year period for salaries up to \$10,000 per year.

This is not a short-term make-work proposal. The objective is to create much-needed new permanent jobs. A healthy economy should consist of a mix of small, medium and large firms, since each enterprise has a different optimal size in terms of efficiency and effectiveness, depending on the market it serves.

In order to preserve the necessary balance to prevent a natural tendency towards industrial concentration a constant flow of new venture startups is essential. Small firms operate most effectively and efficiently in specific sectors. While government policy has done much to assist medium and large corporations through the use of such measures as tax incentives, writeoffs, credits and deferrals, little has been done to aid small business.

Policies designed to benefit large corporations often have a negative impact on the small business sector which must be viewed as a separate entity with different problems and different needs. In order to enable small business to continue and to expand its role in the economy, government must provide assistance through incentives and programs specifically designed to ameliorate the problems facing this sector.

Such action is long overdue. The time has come when we must make a definite and firm political commitment to the small business community. My party has already made such a commitment. Last April we released a policy paper, "New Directions for Small

Business," to which my proposed bill is a logical follow-up.

In brief, the bill defines a small business and allows the Minister of Industry and Tourism, by regulation, to utilize other criteria in determining what constitutes a small business, which will vary from industry to industry. The object of the legislation is that the government of Ontario shall aid, counsel, assist and protect, in so far as possible, the interests of small business.

Provision is made for the establishment of a target of 40 per cent of total government purchases, contracts or subcontracts for goods, services and real property to be placed with small businesses within a period of three years. This figure of 40 per cent is considered reasonable by many people, including the Canadian Federation of Independent Business. The United States small business legislation has been in effect since 1953, almost 25 years, and at this time over one-third of government contracting goes to small business. However, the US legislation in this respect relies upon persuasion. It is not mandatory.

The bill proposes a small business certificate to designate a business enterprise considered to be in a sound financial and productive position for the purpose of this Act, which certificate may be revoked if the minister determines it is no longer a small business or in a sound financial and productive position.

Where tenders are sought by the government or its agencies, a tender submitted by the holder of a small business certificate shall be accepted if all specified minimum requirements are met and the price quoted is no higher than any other qualified applicant.

The minister would be required to develop the small business subcontracting program to enable small businesses to be considered fairly as subcontractors and suppliers to contractors. Such a program would include a provision that any firm awarded a government contract over \$500,000 shall employ a small business liaison officer to be responsible for subcontracting portions of the work to small businesses wherever possible.

Provision is made for the minister to assist small business to obtain government contracts for research and development and to assure that small business benefit from research and development performed under government contracts or at government expense. Preference shall be given to Canadian owner-managed businesses in allocating research grants and loans.

[4:30]

The minister may consult with a representative of representatives of one or more small businesses to encourage the formation of co-operatives capitalized by a group of small firms with resources provided by them for the provision of central services—

Mr. Makarchuk: Get after the Liberals and give them power to start banks.

Mr. Eakins: —or for the purpose of obtaining raw materials, equipment, inventories, supplies or the benefits of research and development, or for establishing facilities to undertake and utilize applied research.

Establishment of a standing committee of the Legislature is recommended, to be known as the small business committee, which would review and report upon all aspects of small business actively warranting legislative attention. such a committee would, of course, receive submissions from various groups, as well as consider governmental and private assistance available with respect to training, manpower and management development, research, technical and scientific assistance.

This bill is the first of its kind in Canada. No other Canadian jurisdiction, federal or provincial has a Small Business Act. We believe this bill deserves the support of all parties in the Legislature. We believe that legislation of this kind is urgently needed. If this bill comes into effect in Ontario this could mean a major breakthrough for the small business community and may well set a precedent to be followed throughout the country.

I am confident that members of this Legislature, whatever their party affiliation, realize that it is absolutely vital that we come to grips with the problems which face the people of Ontario.

Mr. Conway: Even the socialists.

Mr. Eakins: Jobs must be created for the thousands of Ontarians who are unemployed. Our economy must be strengthened and without delay.

Mr. Foulds: Cut out that rhetorical, hypocritical—

Mr. Eakins: Small business has a critical contribution to make. The time has come to put aside partisan considerations and take whatever measures are necessary to prevent further deterioration in the state of our economy and avert the disastrous effects of continuing high employment. Here in the Ontario Legislature, we have the opportunity in passing a Small Business Act to set a precedent for the rest of Canada to follow.

I would ask all members, those on the

government side of the House as well as those in both opposition parties, to support this bill in principle so that it may progress without delay to the committee stage if necessary, where it can be discussed in detail and where possible accommodations can be made.

Mr. Foulds: And take out the preamble.

Mr. Eakins: If we are to solve our present difficulties, time is of the essence.

Mr. Ziemba: I rise in support of Bill 64—

Mr. Conway: That frightens me.

Mr. Germa: It frightens me too.

Mr. Mackenzie: We didn't think you wanted the bill passed.

Mr. Ziemba: —An Act respecting Small Business in Ontario. I agree with the principle of the bill, but the preamble doesn't make sense.

Mr. Makarchuk: Typical liberal legislation.

Mr. Conway: When did socialists worry about sense?

Mr. Ziemba: To quote: "Whereas the essence of Ontario's socio-economic system is embodied in the principles of free enterprise," and so on. This is silly and offensive. Ontario's socio-economic system was built by the efforts of working men and working women, of which the business sector is a small part.

This is why I agree with Jim Conrad, director of the Canadian Federation of Independent Business, when he commented on the preamble—and I suspect Mr. Conrad had something to do with the drafting of the rest of the bill. Mr. Conrad writes: "In rereading the more stable socio-economic model I see I avoided the slogans of free competitive enterprise." Elsewhere he states: "Either you believe in concentration of power to achieve social and economic objectives or you believe in diffusing and spreading out of power, and people making more decisions affecting their own lives."

This bill is loosely worded. I would like a better definition of small business.

Mr. Breithaupt: You do one. We do the other.

Mr. Ziemba: We would insist that the preamble be removed. Co-operatives have been confused with consortia. The principle is there, though. It can be tightened up in committee if it gets there.

Ontario boasts a branch plant economy. These multinationals are not interested in selling to other countries, and perhaps cutting our balance of payments debt. They are

located in Ontario to exploit the local market only. We end up shortchanged in a number of ways. We lose our native technology, and research and development is done at the US head office.

Transfer payments are used as a tax dodge. In fact, the Revenue Canada spokesman stated that before a US multinational locates its branch plant here our tax laws are first analysed very carefully and they do not make a move until they can skate right around them. Canada loses \$8 billion a year in tax revenue.

Mr. Warner: Thanks to the Liberals.

Mr. Ziemba: Simply put, this bill would assist small Canadian-owned businesses at the expense of these US branch plant competitors. Profits could stay in Ontario. Reinvestments and expansion would create more jobs. For these reasons, I support this bill. Ontario's hospital and school boards should purchase goods produced in this province by Canadian-owned firms when price and quality are comparable. Small business should get its fair share of government purchases in the fields of education, nursing homes, hospital and health care, civil engineering and road construction.

Mr. Conway: To say nothing of medical laboratories.

Mr. Ziemba: Branch plants are a growing threat. This concentration of economic power is increasing. Government policies over the past 30 years have accelerated the trend to centralization and monopoly control. It is killing independent business. It's not free enterprise. It's greed enterprise. Good business for US multinationals is not necessarily good business for the community. For example, company-owned, self-service gas stations offer slightly cheaper fuel but no service. Independent operators are being forced out of business. In my riding of High Park-Swansea there are five fewer independents in as many years. I am sure every member in this House has this happening in his own riding. The demise of the independent results in a loss of jobs, higher costs and inconvenience to us all. For instance, with the service stations, fan belts and oil levels are seldom checked so that we wind up with more and expensive engine repairs.

In the 30th Parliament, my colleague from Etobicoke (Mr. Philip), worked with the Canadian Federation of Independent Business and the Ontario Retail Gasoline Association, ORGA, to reverse this trend. Divorcement legislation was proposed that would limit the oil companies' activities to pipeline and tank truck and prevent wholesalers getting into the

retail end. All retailing would be left to the independent operators who have served us so well in the past.

The general business climate the Conservatives have built up is rather hostile to small business. The Treasurer continues to give large corporations an indefinite exemption from sales tax on machinery and equipment purchases at an annual cost of \$160 million a year. Yet there is absolutely no evidence whatsoever that previous exemptions of this sort have created one new job. And why are we continuing this welfare? On the other hand, the same Treasurer cuts back on the TTC grants. Metro Toronto TTC fares will probably increase. Two years ago the last TTC increase cost Metro retailers tens of millions of dollars in lost revenue.

I understand every member has been lobbied by his local small business people. It's a good effort, organized by the federation on short notice. Can you imagine what will happen if and when the Blair commission report ever comes back to the House for implementation? All that sort of gentle lobbying will turn to outrage when small business faces property and business tax boosts anywhere from 30 to 50 per cent, while at the same time industrial, financial and wholesale operations as well as distillers will get a tax cut.

Mr. Conway: Let's hear about the distillers.

Mr. Ziemba: Even now, many small strip retailers are paying incredibly high property and business taxes. In my riding, the Dundas Street retailers are paying the same taxes as Bloor Street merchants, even though the Bloor Street properties are worth approximately twice as much.

Mr. Conway: How about Labatt's?

Mr. Ziemba: These retailers are serving a working class community and provide goods and services at reasonable prices. For this reason, the New Democratic Party prepared a brief and appeared before the commission on their behalf. Small businesses located in many plazas are also overtaxed. Package assessments based on per footage rents favour the big chains and the plaza.

Financing is another real concern. Government guaranteed loan insurance would attract venture capital. The Credit Union League of Ontario or even small groups of investors would be encouraged to invest in small business if the government guaranteed these loans.

Management advice is another badly needed service. The Saskatchewan NDP government provides regional business consultants. So many businesses fail in this province—

Mr. Conway: How about Schreyer?

Mr. Ziemba: What happened to the Liberals?

Mr. Kerrio: Better hurry up. You're on your way out.

Mr. Warner: What about Manitoba, Vince?

Mr. Deputy Speaker: Order, please.

Mr. Ziemba: So many businesses fail in this province, not because the original idea was bad but because the owner lacked business expertise or accounting skills and couldn't afford to pay for them. Each business failure represents a tragedy in human terms and lost opportunities for us all.

Loss leaders on staples should be banned. They simply contribute to the decline of the independent grocer as well as our farmers. In the long run the consumer loses as well.

Thousands of small auto parts manufacturers depend on the auto pact; at the same time, Canada winds up in the red year after year. Last year we lost \$1.5 billion. The time has come for the auto pact to be renegotiated, to reverse this trend.

Province-wide store hours are another cause dear to the heart of the New Democratic Party. Ontario didn't have a Sunday closing law until we had a minority government. Quebec has legislation which permits a retailer to open only two late nights a week. It works well and it enables the small retailer to compete with the larger stores. Why should the large chains and malls, like Woolco, Eaton's and the Bay, be allowed to open every night until 9:30?

Hon. Mr. Kerr: You would throw people out of work. What are you talking about?

Mr. Makarchuk: You just look after the effluent, not the affluent.

Mr. Ziemba: Hours of operation should not be used as an advertising tool by these large chains. Province-wide uniform store hours would put small business on an equal footing. The minimum wage should be \$4 an hour.

Hon. B. Stephenson: That is the way to kill small business.

Mr. Conway: What does the member for Cornwall have to say about that? Would Cornwall care to comment on that?

An hon. member: He's listening carefully.

Mr. Ziemba: This would pump \$280 million into the economy and give small business a shot in the arm.

Mr. Breithaupt: A shot in the head.

Hon. B. Stephenson: A shot of morphine.

Mr. Ziemba: People earning the minimum wage generally spend every dollar in their pay envelope. This new purchasing power

would be a job-creating incentive to domestic industries without affecting our export market. Industries that export are generally organized and/or already paying more than \$4 a hour.

Small business knows what it wants and needs from government. Many of its aims coincide with long-term New Democratic Party goals.

Hon. B. Stephenson: Mr. Speaker, I rise to support with vigour the first sentence in the explanatory note.

Mr. Martel: Even if it doesn't exist.

Hon. B. Stephenson: "The purpose of this bill is to provide for the preservation and expansion of small business enterprise in Ontario," because that reflects this government's concern about the competitiveness and the viability of small business.

Mr. Warner: Say it with a smile.

Hon. B. Stephenson: However, the mechanisms contained in the bill do not necessarily bear this out.

Mr. Conway: Tell us about Greyhound, Bette.

Hon. B. Stephenson: The real problems of small business are financing, the weight of government bureaucracy at all levels and the tax burden at all levels.

Mr. Mackenzie: Hear, hear. I know it well.

Hon. B. Stephenson: Unfortunately, the implementation of the bill will, undoubtedly increase government size and, most certainly, increase government bureaucratic red tape.

Mr. Warner: Darcy has got to you.

Hon. B. Stephenson: It would increase the cost to the Ontario taxpayer by an estimated \$15 million the first year and about \$12 million per year after that.

Mr. Samis: You're running against Darcy.

Hon. B. Stephenson: I'm not really sure that it is going to materially contribute to the financing available to small business or the effectiveness of those programs which have already been established.

Mr. Cassidy: Did Darcy's speechwriter give you this?

Mr. Warner: Where is the Treasurer?

Hon. B. Stephenson: Really, the bill does fail to recognize that the Ministry of Industry and Tourism is already, basically, a small-business ministry.

Mr. Peterson: Just because they are small men doesn't make them small business.

Hon. B. Stephenson: Within its structures, its agencies—both ODC and ORF—and its programs, are in support of small business.

Mr. Conway: In Minaki.

Mr. S. Smith: You know, they have a guideline of nothing less than \$1 million.

Hon. B. Stephenson: The major proposals of this bill—whose purpose is obviously good—provide that 40 per cent of government purchases of goods and services be targeted for placement in small business; that the Minister of Industry and Tourism certify upon application any business as a small business if it is in sound financial and productive position; that contractors engage small subcontractors; that the Minister of Industry and Tourism promote R and D in small companies and disseminate technical information; and that that ministry encourage the development of consortia.

[4:45]

The Ontario government has always accorded a great deal of importance to the support of small business through government purchases.

Mr. Conway: Greyhound, Reed Paper.

Hon. B. Stephenson: Results of a recent survey of the purchasing practices of government in this province make the 40 per cent target proposed in the bill relatively meaningless.

The study examined purchase orders for goods and services, excluding large capital expenditures and professional services, in such areas where small business is considered most able to compete; these expenditures represented about one-half of the total government spending on services, supplies and physical assets.

The final report of the study, which was published last year, contains the following conclusions:

"Small businesses with fewer than 50 employees receive a larger share of government expenditure than do large businesses. In the year 1974-75, 62 per cent of the dollar value of purchase orders of this government went to small business and, excluding motor vehicles and petroleum products, the value of Canadian content of government purchases approached 85 to 90 per cent."

Whether or not the 40 per cent target is meaningless, its application would raise a number of problems. The implementation would require a more rigorous definition of small business than is present in the bill in order to avoid manipulation. But it would also be necessary to delineate whether the target would apply collectively to all small businesses or to every industry and service group separately.

Moreover, I think it's important to recognize that targets such as this can run the

risk of introducing rigidities into the system or be interpreted as a maximum rather than a minimum. It might, as well, introduce abuses into the purchasing system and depart from the principle of buying from the lowest bidder and thereby increase cost to taxpayers. It also might result in certain areas in the degeneration of the purchasing system into a quota-filling numbers exercise.

The bill at present would stipulate that only firms carrying a small business certificate granted by the Minister of Industry and Tourism could qualify as suppliers to government under the target. Government currently deals with approximately 100,000 small businesses in this province, all of which would require certification of their sound financial and productive position.

Mr. McEwen: What politics are they?

Hon. B. Stephenson: If a certified business ceased to be a small business or was no longer deemed to be in sound financial or productive position, then the certificate would have to be revoked.

Substantial government intervention into decisions traditionally made in the marketplace as to sound financial and productive position is implied in this requirement. The issuing of certificates would be a sensitive matter and would undoubtedly result in many complaints, which in turn, would require investigation.

Mr. Foulds: It could also result in patronage.

Hon. B. Stephenson: In effect, the Ministry of Industry and Tourism would become both judge and jury. Without certification, it might well be that some businesses would have difficulty surviving. Decisions as to which firms should be certified and which should not, and the revocation of certificates in subsequent appeals, could entangle the government in an unending controversy, especially where a firm's continued operation became involved.

Not only does the certification procedure imply increased government intervention into the private sector—

Mr. Wildman: Hear, Hear. That's what it says!

Hon. B. Stephenson: —but the bureaucratic work load implied is also substantial. It is likely that requests for such certificates would not only come from those businesses which currently government does business with—

Mr. Cassidy: We will have this bill within five years—even if the minister stays in gov-

ernment. She will have to eat her words then.

Mr. Deputy Speaker: Order.

Hon. B. Stephenson:—that is, the 100,000—but also from a much wider spectrum of concerns, since the certificate freely granted upon request would tend to become a general certificate of creditworthiness, a means to boost the worth of a business for sale and a general utility status symbol.

Since no suitable organization currently exists within government which could handle this function, a new staff of accountants and professional engineers would be required.

Mr. Foulds: Private detectives.

Hon. B. Stephenson: This is, I suppose, our major objection to the mechanisms contained within this bill. The implementation of the certification and targeting provisions of the bill would necessitate the creation of some 500 additional civil service jobs—

Mr. Cassidy: Nonsense. Absolute balderdash.

Mr. S. Smith: With you in power, it would.

Hon. B. Stephenson:—at an annual cost to the taxpayer of approximately \$12 million—a cost which we can ill afford in the current atmosphere of constraint.

Mr. Cassidy: What a self-serving thing that is.

Mr. Deputy Speaker: Order.

Hon. B. Stephenson: We have, as well, some serious reservations with respect to the other major provisions of the bill. The proposals regarding subcontracting are a little vague, but it's obvious the requirement that any firm awarded a government contract over \$500,000 would have to employ a small business liaison officer could also unnecessarily increase the contractor's costs and therefore, through pricing, the cost of the project to the taxpayer.

The government of Ontario recognizes the importance of technology and innovation to the welfare and survival of small companies and large companies alike. It recognizes, as well, the valuable contributions which independent entrepreneurs have made in this area, many more so than in the large companies.

Mr. Sargent: Who wrote that speech, Bette?

Hon. B. Stephenson: It also recognizes the necessity that small firms have continued unhampered access to the latest scientific developments and assistance, where possible, for their R and D efforts.

However, the bill really does fail to recognize that a great amount of work related to research and development is currently being done at both the federal and provincial levels. The National Research Council provides assistance to industrial research and co-ordinates research efforts across Canada to the benefit of all businesses who take advantage of that information.

Mr. Wildman: It's inadequate.

Hon. B. Stephenson: The extensive National Science Library is an important division of NRC. Similarly, the Science Council of Canada is engaged in ongoing evaluation of the state of science and technology and the ways and means of promoting it and utilizing it.

Mr. Wildman: Did you read his statement before the Senate?

Hon. B. Stephenson: Provincial bodies like the Ontario Research Foundation as well as universities and community colleges have been actively engaged in promoting research development and innovation in the business area. In addition, our own Ministry of Industry and Tourism provides for technical and engineering seminars that are specifically aimed at the independent entrepreneur in particular industries. Much of this work, even at present, is small-business oriented and it is doubtful that the provisions of this specific bill, as they're presently written, would advance that effort dramatically.

We really do feel strongly that there is a need to improve our technological base but that need faces all business whether large or small. The government which supports the development of R and D and the improvement of technology should ensure that that is available to all businesses, no matter what their size.

Mr. Sargent: It might upset the patronage system, eh?

Hon. B. Stephenson: We are a little concerned that the objective of section 7 of the bill would make the Minister of Industry and Tourism capable of ensuring that he had control over purchasing in all sections of government.

Mr. Peterson: Nothing could make him capable.

Hon. B. Stephenson: We feel that the concern for small business is one which is shared by all ministers and one which all ministers would like to exercise.

In addition, the formation of co-operatives by groups of small businesses to take advantage of scale economies—

Mr. Foulds: It does cut into your authority, doesn't it?

Hon. B. Stephenson:—through the pooling of resources is a good idea although not a new one. It's been debated extensively for some time, and actively promoted by the federal Department of Industry, Trade and Commerce in certain sectors; but it's met, so far, with only limited success. If there are moves which we can make in this direction which would make it more successful, we should be most willing to examine them and to support them. But our own surveys have established the fact that small town Ontario independent businessmen—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Cassidy: It's about time.

Hon. B. Stephenson:—prefer to remain independent. We hope that while we'll be able to support the principle of this bill, that many of the mechanisms contained therein will be radically altered during committee discussion.

Mr. Lewis: I thought the Minister of Labour was too busy meeting with Inco to be here for an emergency debate.

Mr. Deputy Speaker: Order, please.

Mr. S. Smith: Mr. Speaker, I'm very pleased and very proud to be able to rise in support of this historic bill presented by the member for Victoria-Haliburton.

Mr. Conway: He's a great member.

Mr. S. Smith: I feel that his commitment to small business, the commitment of our party and, I suspect, the commitment of most members of this House to the small business people of Ontario is something which needs reaffirming from time to time.

I believe that this bill, although undoubtedly imperfect in certain areas and undoubtedly open to certain benefit from committee discussion, none the less does embody the general attitude which I believe that most Ontarians have. That is, we recognize that the small business people are the people with the ability and the willingness to work hard, to be inventive, to be ingenious from time to time, to be aggressive in their salesmanship and, basically, who really go out there and put everything they have into their own enterprise, however it is organized, and who use this ingenuity and drive to the benefit of their communities, frequently the smaller communities in this great province.

If this bill passes, and we sincerely hope that members will find it in their hearts to permit this bill to pass, we hope that the small business community will recognize that this Legislature truly believes in what it's

doing and what the small business community is doing and wants to help in whatever way possible.

We recognize that a lot of the problems are financial. We recognize that in many instances the availability of loans is probably as important or more important than any of the matters referred to in this bill. But we also recognize that these loans and so on are pretty much the responsibility of government. In the private members' hours there are just certain matters to which we are allowed to address ourselves. Therefore, although this bill is not panacea for the problems of small business, we hope members will recognize that at least it goes some way towards recognizing the great contribution the small business sector makes to this province.

I have heard on occasion the leader of the New Democratic Party speak about his commitment to small business. I think he has spoken well and sincerely about that. We ourselves have spoken and the members opposite have as well. I trust, therefore, that differences with certain aspects of this bill, be it the preamble which seems to offend certain individuals in the New Democratic Party because of its reference to free enterprise—

Mr. Conway: They want the Regina manifesto.

Mr. S. Smith:—be it certain aspects of the administrative side of this bill which the minister has spoken about, will not stand in the way of this House giving approval to an excellent bill being brought in by an excellent member and then dealing in committee with some of the difficulties which, undoubtedly, can be discussed profitably with input from all three parties.

Some of the points are interesting. The hon. minister spoke of the problems of quotas and certification procedures. I would point out to hon. members that it has been possible to implement a similar provision in the United States without a very large bureaucracy. It has proven to be very helpful. Right now, in fact, there are many people in both the large and the small business sector who feel that this has been an excellent provision. I would point out that there are already in the Ministry of Industry and Tourism existing resources in the small business operations division and in the branch offices of the division that could be utilized to accomplish some of the goals anticipated in this bill.

I would like to say, basically, that my experience in small business has been such that I really believe it needs help right now. I know when I grew up my dad had a small business and my mother and myself used to help him. We use to work on the weekends.

I used to go down to help him cut material and so on. I will tell you it was a funny thing, but he worked very, very hard. If he found out that one of his competitors had raised the price on some item, it was a time for celebration in our household because we realized immediately that by our hard work, by our application and by our inventiveness we could go out and get new contracts. We could make new sales because of getting the jump on our competitors.

Yet in the large business sector things don't quite work as easily as all that. Frequently one company will raise the price and then, because of the enormous size of many of these operations and because of the complexity of the marketplace, another company will raise the price the next day to meet it. Far from being an occasion for celebration as it is in the small business sector, it seems to be an occasion for price hikes all the way around.

The small business person, however, is in real trouble. So many of the small businesses that start in Ontario go under very quickly for lack of expertise, for lack of proper application of market research abilities and so on. We feel that anything we can do to give these people a leg up in the world and to give these people a chance to survive, surely should be seriously considered by this House.

[5:00]

Therefore, in closing, I want to welcome representatives from the Canadian Federation of Independent Business who are in the gallery. I want to welcome the attention which members have given to this particular bill. Despite reservations that some people have, be they on ideological grounds, which I respect although I don't agree with, be they on administrative grounds, I hope we can accept the principle of this bill and allow it to go, let us say, to the standing resources committee, where it can be further discussed and possibly altered in some manner, and eventually in some way adopted for the benefit of that excellent part of our community, the small business people of Ontario—in many ways, not solely, but in many ways, part of the backbone of the Ontario fabric, the Ontario strength, the Ontario body politic.

Thank you very much, Mr. Speaker. I trust we will see this bill go to committee for further consideration.

Mr. Cassidy: Mr. Speaker, I want to disassociate myself from the preamble to the bill and associate myself with the rest of the bill. On balance I think I am going to support the bill. It's a good bill, basically, but I was very sorry that its sponsor chose not to listen

to friends in the New Democratic Party—or friends for the moment—who suggested—

Mr. Conway: Friends? Friends? My dear, with friends like that.

Mr. Cassidy: —that the preamble be taken out. Frankly, I am very concerned that there was a transparent attempt by the Liberal Party to try to get the New Democratic Party to vote against the small business bill by putting that particular section into the bill.

Mr. Ruston: He will never get to be leader that way.

Mr. Deputy Speaker: Order. Order, please.

Mr. Cassidy: I am also concerned because of the fact that we in the NDP see a small business bill such as this one as a means of developing Canadian-owned businesses in the private sector, as opposed to the very large proportion of foreign control that we have right now. I am concerned because the member in his preamble seems to have imported concepts from the American business environment. In fact, he has lifted that preamble almost word for word from the beginning of the United States' small business Act. Frankly, I would have thought that he could have developed some words that would have suited our situation here in this country, rather than the situation down there.

Mr. Breithaupt: Tell us which words you don't like.

Mr. Conway: What words don't you like?

Mr. Cassidy: It would have been nice if the preamble had said—and this is what I would like to see it become—that "the essence of Ontario's socio-economic system is embodied in the principles of co-operation, diversity, and decentralization," because those are good aims for the province of Ontario.

I am also concerned because the preamble is really at odds with the purposes of the bill. The reason this bill is needed at all is because the classical free enterprise system isn't working and hasn't been working for a very long time.

The fact is that this kind of encouragement for small enterprise in Canada or in Ontario is needed because of the inadequacies of the monopoly capitalistic system that we have in this province and that are encouraged by Liberal governments and by Conservative governments alike.

Such a huge proportion of our large firms in this country are foreign-controlled that it is extraordinarily difficult for small firms to get established, or to grow or to provide jobs or do the other things that we hope that they do. We believe that the growth and development of the Canadian economy—and that is

the Canadian-owned sector of our economy—depends on, among other things, having a viable, small business sector. If we don't have a lot of small firms that are growing and developing and trying out new ideas, innovating, doing research and getting into new product lines, then we won't have the gradual development of larger Canadian-owned firms that grow on the basis of small firms that hit on a good idea and can develop.

We have a truncated, shrivelled-up small business sector because of policies in this country and because of the domination of foreign firms in our economy, and we need to do something pretty serious about it.

I am sorry that the minister isn't here now. I was concerned at her suggestions that what the Conservatives plan to do is support the principle of the bill and then emasculate it in committee. We don't agree with that particular approach. We can see some amendments we would like to see to this particular bill, but we think that it is going in the right direction. We will, of course, seek to remove the preamble, we may talk a bit about some of the specific references in the bill, but we do not believe that this is a bill to be emasculated.

The government's own efforts to help small business have themselves been emasculated, and we don't see why that particular tradition should be continued.

I want to say that under a New Democratic government in this province—

Interjections.

Mr. Cassidy: —under a New Democratic government, in the first place, as there existed in Manitoba and as there exists in Saskatchewan and as there existed in British Columbia, there will be a prosperous private sector. That's not news to anybody, except for the ideologues on that side of the House and to my right.

Mr. Conway: The trouble is, everybody's to your right.

Mr. Cassidy: Our intention is to ensure that in the business sector of this province all of the returns from business are looked at and not just the very narrow kind of returns that are represented by the profitability of large firms.

We have to look at jobs, we have to look at regional development, we have to look at research innovation, engineering developments—all those kinds of things, and not just look at profitability. That's what the member for Burlington South (Mr. Kerr) is looking at when he's thinking of big business as being good for this province.

The fact is that the cost of creating new jobs in the big business sector is anywhere from five to 20 times the cost of creating new jobs in the small business sector. That's a good reason for encouraging small business.

The fact is that the tendency in the big business sector is for research funds that come from government to go into foreign-controlled firms, whereas if any money went into research in the small business sector it would almost have to go to Canadian-owned firms, because they are the dominant force in that particular group.

The fact is that small business would grow and develop more in this country and in this province if they were guaranteed access to a number of markets for their products. That's why it's important to have a very high proportion of government purchases and government tenders directed either directly or indirectly to small businesses. If there's a demand for their products, they'll grow. If there is not a demand for their products, they won't grow and jobs won't be created and they will tend to go off to other countries rather than being established here in this province.

Interjection.

Mr. Cassidy: The member for Renfrew North (Mr. Conway) seems to want to go to Cuba. I would like to talk about the problems that we have here in this province of Ontario. I happen to be supporting the bill which the member for Victoria-Haliburton is putting forward.

Interjection.

Mr. Cassidy: Sure. Every word I have said has been in support.

Mr. Speaker: Order, please. Would the member for Ottawa Centre just ignore the member for Renfrew North.

Mr. Cassidy: I want to point out that this is no sudden conversion. In the budget reply last April when I spoke about small business I said "we believe it's time for the province of Ontario to make a full legislative commitment to the small business sector."

Note that I said a full legislative commitment. I deplore the fact that the Minister of Labour is suggesting that no legislative commitment of any meaningful extent be made, but that simply the principle of the bill be brought and nothing else.

We believe that small business suffers in this province under the Tory policies. We believe that small business in this province has often been forced to shut down, that people who want to get into small business have been discouraged because of a lack of access to finance, to information, to management advice, because of the Tory policies.

We believe that should change, and that's why we are prepared to go along with this particular bill and to see perhaps parts of it improved in committee—but I stress, improved in committee and not emasculated.

Mr. G. E. Smith: Mr. Speaker, I rise to support the principle of the bill. I'm wearing two hats this afternoon. I'm speaking as the member for Simcoe East, but also as the parliamentary assistant to the Minister of Industry and Tourism, (Mr. Bennett).

Interjections.

Mr. G. E. Smith: I'd just like to mention a little bit about the ministry which actively supports and assists in the creation and maintenance of a healthy economic climate through a wide variety of support programs offered to assist not only the manufacturing, export and tourist industries, but also the service industries and actually the retail sector of the business community.

Mr. Sargent: Not very much.

Mr. G. E. Smith: The number and range of programs falling within the sphere of the ministry's activities is very broad. There are actually six areas, but this afternoon, in the interest of saving some time, I would like to deal with basically those related to the small business operations division, which has been strengthened and enlarged so that it can more effectively develop and implement programs aimed directly at the small business.

In looking at the small business sector, we find that it contributes 20 per cent of the Canadian gross national product. The same average holds true for Ontario. It is interesting to note that 95 per cent of all businesses have sales under \$1 million, and this is obviously an integral part of the economy that cannot be overlooked.

Mr. Conway: Even in Edwardsburgh.

Mr. G. E. Smith: Recent government reorganizations, including ITC in Ottawa, reflect this heightened level of awareness. Having noted the relevant importance of the small business sector to the GNP and to the Ontario GPP, let us look at some of the concerns of the businessmen which the ministry has ascertained through various seminars, workshops and meetings with small businesses. I might say that the criterion for a small business in the ministry in the industrial field is under 100 employees. In the service field it is under 50 employees.

While it is apparent they need equitable access to financing, conventional lending institutions often put too much emphasis on actual amounts of assets for collateral, past performance and prospects for immediate sales, but they don't really look at the future.

Mr. Philip: They sure do. You exported jobs from my riding because of that.

Mr. G. E. Smith: This is where we have to take a broad look as far as the prospects for growth are concerned when giving a loan to an industry to expand or to establish a new industry.

Mr. Conway: Even in Edwardsburgh.

Mr. G. E. Smith: A quick reading of major concerns would include the following; the high cost of labour, minimum wages, unemployment insurance, the decline in the work ethic, low productivity, transportation costs, the paperwork burden, domestic marketing, the Anti-Inflation Board, international competition and the role of government at all levels. Among other overall concerns which became apparent as a result of discussions with industry are some which are at the federal level: The lack of good training programs by Manpower and Immigration; poor postal services; the generally regarded advisory role of the customs and excise department; operations of the federal business development bank; and the universal view that the Unemployment Insurance Commission is a genuine competitor of the small business sector. The recent Enterprise '77 exercise has identified these and many more concerns and, no doubt, the ministry and the government will be responding to them in the fall program.

Small business operations are comprised of major components—the field office operations, consultative services and the selective placement branch. The total complement for this division is 113, with a budget of approximately \$4 million.

The field operations are operating throughout the province. The division has established five area offices, plus 10 district offices, staffed by industry development officers who have decision-making autonomy. It is interesting that I noted the observation was made that perhaps the field staff could deal with the technical aspects of this bill without acquiring any additional staff. This would not be possible. There would have to be additional staff added—quite a large number in order to deal with the paperwork and the discharge of the various responsibilities that would be given to them.

The second phase in this is the consultative services which I won't dwell on particularly at any length.

Mr. Sargent: It will give them something to do.

Mr. G. E. Smith: It consolidates basic consulting services, such as industrial engineering, management information, control systems, et cetera and it develops and co-

ordinates educational programs in order to help small business.

The selective placement service is self-explanatory. Small business operations can benefit from the advice of this particular branch of the ministry. The small business assistance program offers resources for small businessmen who cannot easily afford professional consultant services. It also provides summer employment for university business students taking master's and doctorate programs, giving them the opportunity to apply skills that they have learned in the classroom to real and immediate business problems.

[5:15]

I am going to deal with nine programs that are offered to the manufacturing sector. The first is the production improvement and cost reduction program. The second one is the energy management program. I think the hon. member for Victoria-Haliburton mentioned the need to conserve energy in industry. Well, the ministry has set up the energy management branch to encourage companies to establish energy management programs on their own. Their mobile unit has travelled throughout the province for on-the-spot energy use analysis via computer printout and it identifies potential energy savings. It has been in operation for 15 months and by the end of 1976 alone the bus visited 314 companies and identified more than \$18.5 million in potential energy savings.

In addition, there is counselling for inventors, counselling and consultative assistance to assist in metric conversion, and there is the program to encourage and produce and process innovations. There is a series of programs, but perhaps one I would like to mention is the seminars, which I did mention earlier, to assist small and medium-sized companies to increase productivity and reduce costs.

The seminars are held in different Ontario locations to complement individual in-plant consulting services. I would also like to mention a few of the programs under the marketing and financial services. There are nine altogether, but some of the important ones, in my mind, are financial advice, where assistance is provided to help improve financial management and planning skills of small business in order to help keep them solvent.

Many small businesses are taking advantage of the small business financial planning workshops. They are also taking advantage of the small business management development program, which helps the entrepreneur help himself by providing him with the specialized, confidential and personal con-

sulting services of a private consulting firm.

We also have the business improvement area program, modern marketing techniques, and—perhaps this is very important with relation to this bill—how to sell governments. Through one-day seminars small businesses are made aware of how to offer and sell their goods and services to all levels of government. Speakers from federal, provincial and municipal governments' purchasing departments outline their activities and give examples of the products and services that they frequently purchase.

I believe the Ministry of Industry and Tourism is providing an excellent service to the small business community. Through the use of marketing and advisory services, financial planning workshops and general management development programs many small businesses have, in fact, been saved from becoming business failures and are now in a profitable operating position.

I should like to conclude my remarks by saying that the ministry's aim is to interpret the needs of Ontario industry and tourism in such areas as provincial and federal policy-making is concerned. We support a policy to enhance the role of small business in all sections of our economy, and I am sure that all members in this House agree.

We welcome the opportunity for open discussion on how the goals and proposals before us today can be achieved within the limits of complement and monetary constraints.

I would like to mention that this government has appointed a business advisory committee, composed of businessmen throughout the province, to assist the ministry in formulating policies that will be helpful to the small businessman.

It is interesting to note that I have received approximately 52 contacts at my constituency office—

Mr. Speaker: The hon. member's time has expired.

Mr. G. E. Smith: —from the Canadian Federation of Independent Business membership. I asked each of them how many were aware of what the bill stood for, had they seen the bill, were they aware of the contents? Not one of them was able to answer me. They said, "No, we haven't seen it. We were asked to support it."

I hope this bill does go to committee so that the independent businessmen in my area, the Chambers of Commerce and the Boards of Trade can come in and hear all the details and know what is being done on their behalf. I certainly support the bill and trust that it will go to a standing committee.

Mr. Peterson: I'm very happy and proud to rise and speak on this bill introduced by my colleague. I think it is a first-class piece of work and if some of the members were to get into the intricacies of drafting a bill of this type, they would appreciate that my colleague and the people who assisted him in drafting this bill fully understand all the complications of a bill of this type.

Judgements had to be made. Those judgements can be checked out in committee and while there may be some disagreement, I think that as my friends study this bill and come to understand what he's getting at, at that point they will probably start to understand the genius of the drafting and that it is a magnificent start to promoting a philosophy and a point of view that's so terribly important, particularly to people in our party.

Almost every party in this House, including our friends to the left, have given a great deal of lipservice to the concept of small business. So has the government. The government had an abortive committee, as you recall, Mr. Speaker, chaired by the late and lamented member for London North.

Mr. Conway: Who was he? Of whom do you speak?

Mr. Peterson: Since deceased. That, I gather, was an abortive committee; nothing has transpired out of that. Why I'm so very happy is that we're in a position—and I thank this new system that we have for private members' bills—where we are able to make a solid proposal and bring it before the members of this House. I have absolute confidence that this bill should pass and that it will pass.

I want to make two or three remarks about what I think is so very fundamental. We can get hung up on the doctrine or the preamble, and I would ask my friends to the left not to let their doctrinaire socialism interfere with the substance of this particular bill. It's not worth getting excited about over there.

Mr. MacDonald: Why did you get hung up on it?

Mr. Breithaupt: We believe it is correct.

Mr. Peterson: But the philosophy that small business brings to the governmental process as a contribution to the economy is, in my judgement, perhaps the most important input into the entire makeup of political views and business views in any community.

The small businessmen—I'm very proud to say I represent that sector in this House, Mr. Speaker, and it is my judgement that

there are all too few such people here. People who have always been on a salary all of their life, who have never had to ask, "Where am I going to get the dollar before I spend the dollar?" bring a very different point of view to the legislative process as well as the business process. In my judgement there are far too few people in this House, particularly in the NDP caucus—

Mr. Mackenzie: How does the member define a small business?

Mr. Peterson: There isn't one successful businessman in that caucus. If he was successful, he wouldn't be in that party, I'll tell you that right now.

Mr. Conway: Despite the farmer from York South.

Mr. Peterson: But they bring a very unique view to this process. Small business is difficult. It takes entrepreneurial ability, skill, hard work and, what's interesting about it, if you're good at it you get rewarded.

Mr. Mackenzie: If I was a small businessman I'd be afraid of the member for London Centre.

Mr. Peterson: I have absolutely no qualms whatsoever in allowing those people who make special inputs, through technology, brains or their own hard work, to get a special reward out of the economy. I think that we have to promote that. One of the things that is conspiring against the system that we have lived under is the bureaucratic or large business mentality that doesn't look for individual enterprise and for individual contributions to the collective whole. Small business does that and rewards people for it. We have to affirm that; we have to support it. We have to do everything we can.

Studies in various countries in the world—in Germany and other European countries—all tell us that a viable small business owner-operated sector is fundamental, not only to the economy but to political stability. That is very important.

Mr. Wildman: Germany is a socialist country.

Mr. Peterson: We have to create independent men.

Mr. Deans: Absolutely.

Mr. Peterson: We have to have an educational system that builds an entrepreneurial class. This is one of the things that disturbs me so very much about our educational system today—

Mr. Deans: There is the class society again.

Mr. Peterson: —and we've talked about that at great length.

Mr. Deans: Everything is done by class.

Mr. Peterson: When a student goes to a guidance counsellor today one of the options laid before him should be, "Kid, do your own thing. With a little bit of help, build an enterprise. What is your vision?" We should assist that person. We should be banking people. We should be assisting people to make their own individual way and to get rewarded for that.

Ms. Gigantes: You are going to choke on your silver spoon.

Mr. Peterson: The only option shouldn't be to go and work for Inco—good Lord, there aren't very many working there today, but for a large company, for Labatt's Breweries or London Life. One of the clear options for a person at any given time should be to go and create his own thing. I think we all have an obligation to work on that philosophy because that philosophy is sadly lacking and it has been diminished by a conspiracy of a lot of forces that we face in society today. I think that anything we can do to assist in that philosophy is fundamental. That's why this bill is a magnificent start.

Mr. Warner: You are beginning to sound like Marvin Shore.

Mr. Peterson: This bill is just a start, understand that. What it contemplates is a committee to assess and take representations at any given time, to propose changes in legislation and to look at new ways that the small business sector can be encouraged. I think that's a very imaginative and creative part of this bill. My colleague understands that this is not the be-all and end-all for the small business sector—

Mr. Mackenzie: That's for sure.

Mr. Peterson: —but it is a start. It is the creation of a constant liaison and input from that sector into government—something it's never had before.

Mr. Warner: A modest proposal.

Mr. Peterson: I am particularly attracted to the sector for several reasons. One of the reasons is it's so labour-intensive. The whole small business sector is the cornerstone of the Liberal Party philosophy, at least of job creation. It happens to be very labour-intensive. It happens, by and large, to foster better relations. The small business employer can't afford to be the dictator that some of the large company managers can afford to be because he's got to keep a staff, and keep them working harmoniously and all together, and it obviously creates far better feelings.

I think if you went and talked to the average person who worked in a small busi-

ness as opposed to large business, you would see a much higher degree of job satisfaction from those people working in small businesses who have a closer relationship with their management, more input into the whole process of their government and more control over their own conditions in life. That's very important. I think government has alienated people and bureaucracy and large business has conspired to ruin those kinds of feelings in a community that should be fostered and can be fostered by this kind of a bill.

There are, as you know—and I don't want to go into details—a number of other good suggestions about co-operatives, which are something we think needs government initiative. There have been various attempts—the Minister of Labour pointed out numerous attempts—and a lot of discussion on that subject. It's something that we now have the legislative mechanism in place where we can be building co-operatives and working with various consortia for export business and various other kinds of business. That's constructive, that's sound and that's a good thing to do. We obviously can't write all the regulations right now but those will be forthcoming. They will be evolving, as well they should be. Let us not get hung up on a few perceived technical difficulties or whatever now to defeat this bill.

The Minister of Labour addressed her highly trained medical mind to the problem of definition of a small business. It's a difficult problem and I want to acknowledge that. We understand that probably as well as anyone. There's lots of definitions for small business. We have looked at them all. We have taken what in our judgement is the best one. A decision has to be made somewhere and we think, given all of the contingencies and variables in this circumstance, that's the best possible one we can come up with. But there is provision—check the next section—to alter that and change that, should that be necessary.

I would put this to the members of the House. Don't get hung up on all of the details of this thing. She pointed out the bureaucratic mess of certification. I don't believe that. She calls it licensing but in our judgement it's certification. It's a much less complicated provision than a licensing provision. Let's understand that that's only necessary if and when that company wants to do government business under the terms of its tendering provisions. It's not necessary for everybody. Everybody may not want this kind of thing, but it is there and it's in place, to have developed a mailing list for tendering and to make it all fair for everyone concerned in this community.

I just want to put it to the members of this House. I guess I'm getting the feeling everybody's going to support this and I'm delighted about that. I think we have a marvelous opportunity to appeal to a sector that's been left virtually on its own and that really hasn't in the past been able to speak with one voice or an organized voice because it hasn't had the muscle. Independent businessmen work too damned hard today trying to make their own living and survive than to organize themselves into the giant corporate lobbies that we see on a daily basis in this particular House.

Let's all help them out. We've got a marvelous opportunity. I think when it's all over you'll join me in giving great credit to my colleague from Victoria-Haliburton.

Mr. Speaker: The hon. member for Algoma.

Mr. Conway: He has a special suit for the occasion.

Mr. Wildman: Yes, that's right.

Mr. Warner: Is the member for Renfrew North still here?

[5:30]

Mr. Wildman: I'm rising in support of the bill, although I must admit that as I considered it over the last couple of weeks, and in listening to the debate here, I had a lot of questions in my mind and a lot of contradictions. The reason is, I find myself in the unusual position of agreeing with both the Prime Minister of Canada, in his view that free enterprise is over in Canada, and also—

Mr. Conway: I wonder what they'll say about that in Blind River?

Mr. Wildman:—heaven forbid, with the Minister of Labour in this House, who says she supports the principle of the bill and that we should be doing all we can to promote and to aid small business because it promotes employment in our province.

One wonders, when a bill like this is patterned after a federal United States' bill, why the Liberal Party in Ontario is the one that is the one that is introducing this kind of legislation rather than the federal Liberal Party, when it obviously has far greater impact on the business community in this country and would be able to do a great deal more for small business.

Mr. Conway: Such a civics lecture would have got you fired.

Mr. Wildman: I'm a little concerned, though, with the Minister of Labour's attitude and also with that of the member for Simcoe East when they both say they are in favour of the principle of the bill, but that's as far as it

goes as far as I can see, because they then list all of the things that the Ministry of Industry and Tourism is already doing. They also indicate a number of problems in the bill and point out that the government and the ministry will do all they can for small business, within the limits of complement and financial constraints, which seems to mean that they are willing to agree with the principle of this bill but they're not willing to increase staff in any way in the ministry, or to increase the expenditure in the ministry that might be necessary in order to implement the provisions of the legislation. That seems to be a rather contradictory position to be in.

The reason I support this bill is that it's a significant government intervention in the economy on behalf of small business. The attempt here is to prevent further concentration of economic powers in the hands of a few conglomerates and multi-national corporations, and the members of our party are certainly very much in favour of that.

To have the preamble, of course, is superfluous to the bill and is, I suppose, as the member for London Centre indicated when he was talking about doctrinaire ideology, part of Liberal doctrinaire ideology.

Mr. Conway: Support is necessary but not necessarily support.

Mr. Wildman: The preamble is superfluous to the bill but what really matters is the explanatory note, the importance of aiding small business. The fact that we have to come to the aid of small business is because free enterprise makes it very difficult in this province for small business to operate successfully.

Mr. Kennedy: Socialism would drive them out.

Mr. Wildman: We are opposed to the oligopolistic practices and concentrations of economic power of modern free enterprise, and as a result we support this legislation. We don't need the preamble. We think the preamble is ridiculous but we support the principle.

Mr. Kennedy: Socialism would wipe it out.

Mr. Wildman: There are a couple of small things that I want to point to that I'm concerned about. One is the percentage that the bill, in section 2, sets for government contracts.

Mr. Mackenzie: Inco, Falconbridge and Anaconda are all your friends though they don't tell you what they're doing.

Mr. Wildman: That's the 40 per cent. It doesn't really tell us why it came to that percentage. I believe in the American legislation it's 33 per cent. There have been some indications that in some areas in the United

States federal legislation, the defence industry and so forth, they've certainly surpassed that level, but since the province, of course, doesn't have a defence industry—as yet, at least—it's going to be difficult for us to reach that kind of thing.

Mr. Conway: The socialists don't want one.

An hon. member: You're starting your own now.

Mr. Wildman: I wonder why the 40 per cent was used, and I hope that will be looked at when it goes to committee.

Also, I think section 7 needs a little tightening up. It's really talking about consortia; it's not co-operatives in the sense of the term. Those things can be tidied up in committee and I hope that most members of the House will, after consideration, support the principle of this legislation.

Mr. Speaker: The hon. member for Carleton-Grenville.

Mr. Sterling: Thank you, Mr. Speaker—

An hon. member: Tell us about small business in Edwardsburgh.

Mr. Lewis: What you need is an industrial park for small business.

Mr. Sterling: That's correct. I do, and perhaps I will be the only member of this House to oppose this bill on second reading.

Mr. Conway: That's not the way to the cabinet.

Mr. MacDonald: You are at least being honest.

Mr. Sterling: I feel I am in total agreement with the intent of the hon. member for Victoria-Haliburton. We, on this side of the House, have always recognized the need to preserve and expand the principles of free enterprise, competition and diversity.

Mr. Deans: That's not what the Treasurer (Mr. McKeough) thinks.

Mr. Sterling: The Ministry of Industry and Tourism has always been sympathetic to the problems of small businesses in this regard and will continue to be so in the future. However, having set a worthy goal, I would suggest that only the Liberals could then find a way of saying to the small businessman, "Heads we win, tails you lose." That is exactly the situation with respect to this bill.

Mr. Samis: That's how you govern the province.

Mr. Sterling: Let us look for a moment at the definition of small business as set out in this Act. It defines a small business as one which is independently owned and operated and is not dominant in its field. By this definition, we could look to American

Motors as being classified as a small business, as it is in the United States.

Defining those businesses that qualify as small business is extremely difficult. But the definition is crucial to the Act and I cannot support this bill's present definition. Part of the problem of the bill appears to be that it is modelled exclusively on the American counterpart, which is a federal statute. Surely we all have learned that there are very many differences between the American situation and our Canadian situation. What is needed is not a copy or imitation, but a bill that is designed to fit our own needs.

Mr. Breithaupt: Why don't you start here?

Mr. Sterling: This definition does not do that. The bill suggests that further definition by number of employees and dollar volume should be set by ministerial regulation. Does he pick a number out of the air? What criteria should he use to establish these numbers? I suggest that such criteria should be determined by the members of this House and that the bill should set some sort of guidelines so that all businessmen will know the rules under which they are operating.

Mr. Wildman: Your government passes legislation like that all the time. All kinds of things are set by regulation.

Mr. Sterling: Leaving this clause so open-ended is no way to establish confidence in the business sector.

I would like to turn to the section of the bill dealing with the certification of small businesses. This clause has so many negative aspects to it that it is difficult to know where to begin.

Mr. Breithaupt: Deal with it in committee.

Mr. Sterling: At a time when government spending is trying to be curtailed and when economists and businessmen are saying that excessive government spending is preventing the private sector from developing, the Liberals would have us pass legislation that increases both the bureaucracy and the red tape that business has to contend with.

Mr. Conway: A petty little partisan from Grenville.

Mr. Sterling: There is no way that I can accept such a backward step and there is no businessman in the province who would support such a move.

Mr. Wildman: Considering where you sit, you haven't got a backward step.

Mr. Sterling: Beyond the obvious objections to this section of the bill, there are further difficulties that could be even more onerous than those I have already mentioned. There is a question of what stand-

ards are required for certification. The Act refers to a sound financial and productive position. Who is going to make that judgement? On what basis is that judgement made? What happens if a business temporarily slips below the criteria, defining a sound, financial and productive position? How does a government monitor the small business? Does the government ask for audited statements? That's great for the public accountants. Does the government ask small business to fill out endless forms, once, twice or more each year to ensure that the business is still in a sound, financial and productive position?

Mr. Samis: Are you supporting wage and price controls?

Mr. Breithaupt: Gong.

Mr. Sterling: Speak to any small businessman who has had to fill out endless forms he has received from Statistics Canada.

Mr. MacDonald: Or from the Tory government here.

Mr. Sterling: What impact might there be on the credit rating of a business that has lost its certification or had it suspended? Suppose a businessman disagrees with the judgement of the ministry? How does the small businessman whose licence has been taken away by some bureaucrat appeal? He hires a lawyer. Great, more red tape, more expense. Bear in mind, we are talking here of small businesses, which by definition do not have large amounts of capital or employees with which to absorb the impact of such regulation and procedures.

I am further concerned about the impact that this will have on our obligation to the public. Will the public expect, once a small business has received a certificate, that all risk is assumed by us, the government? Remember, we, the government, have then certified in some way that this business is to be in a financially and productive position. Think of the small businessman who now does, let's say, around \$2,000 worth of business with the provincial government. Are they going to go through this hassle in order to supply us with goods and services? This bill is against the local small businessman. For larger contracts, the businessman and the government would both then be affected by that area of the bill that says that all proposed procurement documents exceeding the value of \$5,000 shall be advertised in the Ontario Gazette. Again, more bureaucracy, more red tape, more delays.

I welcome support for small business and I know that my constituents welcome support for small business. This government

has helped small business in the past, it continues to seek ways to help small business now and will do so in the future. But this bill introduced by the Liberals is not the way to help small business. For that reason I cannot support it.

Mr. Cunningham: You're in trouble now.

Mr. Sterling: I do not doubt the good intentions that lie behind this bill. But good intentions will be small comfort to the small businesses that are further handicapped by bad legislation. This legislation clearly is poorly conceived and badly drawn. It will result in more red tape. It will further impede the small businessman's freedom to run his own affairs and will result in more and more government intervention where none is needed or desired. It will cost both the businessman and the taxpayer money.

No one can argue with the preamble of this Act, except for the NDP. It sounds great.

Mr. Cunningham: Yes you can.

Mr. Sterling: Support for the sector of the economy that more effectively preserves and enhances free competitive enterprise—who could argue against these principles, save the NDP? I must admit with all feeling, I can feel that—

Mr. Lawlor: You have to broaden your notions.

Mr. MacDonald: You are living in a world of your own fantasy.

Mr. Deans: You were doing better when you were reading.

Mr. Sterling:—what has happened today is a very serious matter, that that principle can in fact be shaken from time to time.

Mr. Speaker: Order.

Mr. Sterling: I am all in favour of legislation that helps and further advances small business in this province. I have been a small businessman myself, and I support any measure that will strengthen this sector of our society. But when we get to the meat of this bill, we find it is a sham and a misrepresentation. In the preamble, in the title of this bill, this bill is good. This bill should not have been called An Act respecting Small Business in Ontario. It should have been called An Act regulating Small Business in Ontario. Small business does not want this bill and I will not support it.

Mr. Speaker: The hon. member for Niagara Falls.

Mr. Sargent: Now we will hear the real truth.

Mr. Kerrio: It gives me great pleasure to rise in support of the bill of my colleague from Victoria-Haliburton. I'm somewhat disappointed that the Labour minister doesn't realize that small business is an endangered species, and I really feel that strongly. I come from that sector, and I can talk, I think, on that matter. The only reason small business has survived, in spite of the hurdles that are placed before it on every level of government, is the willingness of a small entrepreneur to put extra effort and time into the task of survival.

I am sorry to say that, in spite of the effort they put in it, the small business failure rate in the province of Ontario is unconscionable. Unless we address ourselves to the problems of small business, we certainly are not going to help that situation. I take pride in suggesting to this assembly that there are other people outside of this assembly quite concerned. As for the Canadian Federation of Independent Business, while one member suggests that all the members didn't study this particular bill, I can say that the people who have the expertise certainly studied the bill.

[5:45]

I'd like to read what they have to say. As they refer to the bill they say "It is without question the best small business legislation ever to appear in Canada. Among many benefits, it defines small business and provides easier access to government contracts for independent business."

That's why I hate to hear such negative thinking as sits over there. Ontario cannot afford not to pass this bill. Branch plants have stolen our national self-determination and given it to foreign head offices. They drain away our national profits for foreign shareholders. Alternatively, small business keeps its profits here in Canada, competes aggressively in export markets, and keeps economic decision-making within the local community.

I say again, now that the minister is back, I'm very disappointed that she hasn't seen that small business is in danger. I can relate a personal experience where, having been in business all my life, I had one opportunity to bid a reasonably sizable job, with the technology required, with Ontario Hydro for the heavy recovery system in one of the nuclear plants. We took a flyer. We were willing to take the chance and bet on our opportunity here in Canada and take this business from an American firm.

I'm very sorry that that did not happen, that Hydro in turn dealt with this American firm, paid a huge commission for the sale of the reactors and we certainly were not able

to build in a small business way the kind of business that this country needs.

Interjections.

Mr. Kerrio: If I could hear the question, Madam Minister, I'd be very happy to answer it.

I would carry on by suggesting to all those in this assembly to give their support. The government itself took the time to pick a task force and sent it about the province. I asked for a report from the government. The report says, "Nothing was forthcoming from this group that went about the province asking about business problems." The one seminar that I attended in St. Catharines was well attended and there were many, many business people there, telling how difficult it was to get help, to get funding, to get the kind of help required for small business. No, it's true, Madam Minister. Don't say no.

Hon. B. Stephenson: No, I wasn't shaking my head about that.

Mr. Kerrio: I was there, I happened to have been there, and I say with all respect that small business is not being helped. Even if members don't like the make-up of this bill, it's a step in the right direction.

Help us put this bill through, get to committee, do the things that have to be done to help small business, and we'll be doing the whole province of Ontario a great favour.

Mr. Speaker: The time for debate on these two motions has expired. We're dealing with ballot item 1, which is second reading of Bill 63.

The first question to be put to the House is, shall this question be put to the House?

Motion agreed to.

Ordered for committee of the whole.

Mr. Speaker: The second item is ballot item 2, second reading of Bill 64.

Motion agreed to.

Ordered for standing resources development committee.

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Mr. Speaker, may I take advantage of our attendance now to fulfill the obligations of the rule announcing the order of business today for next week.

On Monday, the House will be in committee to consider estimates. I assume that everyone knows the order of estimates and, indeed, both inside and outside the House will be the consideration of estimates.

On Tuesday, which is legislation day, I would like to serve notice that the following bills could be called. Although it will be

obvious that they can't all be called, I think we should be prepared for the following bills on Tuesday: 22, 60, 61, 62, 65, 34, 35, 43 and 44.

Mr. Sweeney: In that order?

Hon. Mr. Welch: Not necessarily in that order.

We will do committee work, of course, on Wednesday.

On Thursday, in the House we have the private members' ballot business; Mr. Cassidy's bill and Mr. Kennedy's bill. Then estimates again on Friday. The House will sit on Monday, Tuesday and Thursday evenings.

Mr. Breithaupt: Mr. Speaker, with respect to the statement made by the government

House leader, may we inquiry as to when we will be able to have an expected sequence which these bills will follow?

Hon. Mr. Welch: I don't know if the rule asks us to be that specific, but if it would be of some help, we might do 22, then 43, 34, 35 and 44, then the four family law bills, 60, 61, 62 and 65.

Mr. Deans: Mr. Speaker, if I may, I feel compelled to ask the minister to consider the possibility of holding Bill 22 for one week.

Mr. Speaker: As you know, when we return at 8 o'clock we will be on the budget debate.

The House recessed at 6 p.m.

APPENDIX

(See page 938)

Answers to questions were tabled as follows:

18. Mr. Cassidy—Inquiry of the ministry: What is the government's policy in purchasing automobiles for the use of ministers and senior civil servants? Was this policy changed in order to compel purchases of smaller vehicles that are more energy-efficient; and if so, when? For the fiscal years 1974-75, 1975-76 and 1976-77 respectively, how many automobiles were bought for the use of members of the cabinet or of senior executives in the civil service; in each case, what was the make, model, and cost, and for whose use was the automobile bought; what proportion of the cars purchased was full-size, what proportion intermediate, and what proportion compact? (Tabled July 7, 1977.)

Answer by the Minister of Transportation and Communications (Mr. Snow):

Automobiles for the use of ministers and senior civil servants are purchased in accordance with section 40 of the manual of administration which states that such vehicles shall be of a type and size not exceeding those specified in the standard vehicle specifications. Appendix A details specifications for ministers' automobiles and appendix B sets out those for senior civil servants. The policy has not been changed to compel purchases of smaller vehicles.

Appendix C displays a list of automobiles purchased during the fiscal years 1974-75, 1975-76 and 1976-77 respectively for ministers and senior civil servants displaying, in each case, the make, model and cost and for whose use the vehicle was purchased together with figures displaying what proportion were full size, intermediate and compact. The prices quoted do not include either federal or provincial sales taxes.

APPENDIX A

ONTARIO GOVERNMENT USERS SPECIFICATION AND REQUEST
TO PURCHASE FOR MINISTERS' AUTOMOBILES

Type:

- ☐ Oldsmobile 98 Luxury, 98 Regency
☐ Buick "Electra 225 Custom"
 "Electra Ltd"

- ☐ Chrysler New Yorker Brougham
☐ Mercury Grand Marquis
☐ Other, Specify

Body Style:

- ☐ Four Door Sedan ☐ Four Door Hardtop ☐ Two Door Hardtop

Colour:

Exterior—Specify colour

Interior—☐ Comb. Cloth & Vinyl Trim

☐ All Vinyl

Specify colour

☐ Vinyl Roof—Specify colour

Engine:

☐ Standard

or specify option

Equipment:

- ☐ With all Standard Equipment, plus the following if not standard:
☐ Anti-Spin Differential
☐ Power Steering
☐ Power Brakes—Front disc—Rear drum
☐ Power Windows
☐ Power Door Locks
☐ Power Deck Lid Release (Trunk)
☐ Air Conditioner
☐ Tinted Glass—all round
☐ Rear Window Electric Defroster
☐ AM/FM Stereo Radio, pushbutton with rear seat speaker
☐ Six-way Power Bench Seat with Folding Arm Rest
☐ Twin Comfort Lounge Seats, power, driver and passenger, six-way, with individual controls

- ☐ Six-way Power Bucket Seats (if available), 2-door only
☐ Deluxe Wheel Discs
☐ Remote Control Rear View Mirror (left side)
☐ Electric Clock, Hood & Trunk Deck Lights, and Courtesy Light Group
☐ Tires—First line steel belted radial, white wall
☐ Heavy duty Alternator
☐ Heavy duty Battery
☐ Cornering Lights
☐ Protective Door Edge Guards
☐ Protective Bumper Guards
☐ Colour-keyed Floor Mats

Please complete and return with covering requisition

Approved by

Ministry of

Dated

APPENDIX B

ONTARIO GOVERNMENT USERS SPECIFICATION AND REQUEST
TO PURCHASE FOR DEPUTY MINISTERS' AUTOMOBILES

Type:

- ☐ Oldsmobile "Delta 88" Royale
☐ Buick "Le Sabre" Custom
☐ Chrysler Newport Custom
☐ Ford "LTD Brougham"
☐ Mercury "Marquis" Brougham

Other, Specify

Body Style:

- ☐ Four Door Sedan
☐ Four Door Hardtop
☐ Two Door Hardtop

Colour:

Exterior—Specify colour

Interior—☐ Comb. Cloth & Vinyl Trim☐ All Vinyl

Specify Colour

☐ Vinyl Roof—Specify Colour

Engine:

- ☐ Standard
 or specify option

Equipment:

- ☐ With all Standard Equipment, plus the following if not standard:
☐ Anti-Spin Differential
☐ Power Steering
☐ Power Brakes—Front disc—Rear drum
☐ Power Windows

Please complete and return with covering requisition.

- ☐ Power Door Locks
☐ Power Deck Lid Release (Trunk)
☐ Air Conditioner
☐ Tinted Glass—all round
☐ Rear Window Electric Defroster
☐ AM/FM Stereo Radio, pushbutton with rear seat speaker
☐ Six-way Power Bench Seat with Folding Arm Rest
☐ Twin Comfort Lounge Seats, power, driver and passenger, six-way individual controls
☐ Six-way Power Bucket Seats (if available), 2-door only
☐ Deluxe Wheel Discs
☐ Remote Control Rear View Mirror (left side)
☐ Electric Clock, Head and Trunk Deck Lights, and Courtesy Light
☐ Tires—First line steel belted radial, white wall
☐ Heavy duty Alternator
☐ Heavy duty Battery
☐ Cornering Lights
☐ Protective Door Edge Guards
☐ Protective Bumper Guards
☐ Colour-keyed Floor Mats

Approved by

Ministry of

Dated

APPENDIX C

PURCHASES IN 1974-75 FISCAL YEAR

Make	Model	Cost \$	Ministry	Name	Position
Chrysler	New Yorker Brougham	3,962.00	Agriculture & Food	W. A. Stewart	Minister
Chrysler	Newport Custom	6,668.65	Culture & Recreation	M. Rowan	Deputy Minister
Chrysler	Newport Custom	6,303.15	Health	S. W. Martin	Deputy Minister
Chrysler	New Yorker Brougham	5,776.84	Education	T. L. Wells	Minister
Chrysler	New Yorker Brougham	7,218.16	M.T.C.	J. Rhodes	Minister
Chrysler	New Yorker Brougham	7,111.66	Energy	W. D. McKeough	Minister
Mercury	Marquis Brougham	6,622.75	Office of the Premier	Dr. E. E. Stewart	Prime Minister's Office
Ford	LTD Brougham	5,580.51	Industry & Tourism	W. Cornell	Ontario House, London, England
Mercury	Marquis	6,575.00	Attorney General	J. S. Yoerger	Chairman
Mercury "I"	Cougar XR7	6,286.00	Environment	E. M. Biggs	Deputy Minister
Ford	LTD Brougham	5,173.20	Treasury	G. H. U. Bayly	Deputy Prov. Sec'y.
Ford	LTD Brougham	4,897.60	Provincial Auditor	F. N. Scott	Provincial Auditor
Mercury	Marquis Brougham	6,748.85	T.A.T.O.A.	A. T. C. McNab	Chairman
Mercury	Montego MX Brougham	5,419.80	Energy	R. M. Dillon	Deputy Minister
Mercury "I"	Cougar XR7	6,169.80	M.T.C.	H. Gilbert	Deputy Minister
Oldsmobile	98 Regency	7,897.12	Culture & Recreation	R. Welch	Minister
Buick	Le Sabre Custom	6,734.13	Prov. Sec. for Justice	D. Sinclair	Deputy Minister
Buick	Le Sabre Custom	6,638.09	Agriculture & Food	T. R. Hilliard	Sec'y. of Justice
Buick	Le Sabre Custom	6,461.61	Solicitor General	Ont. Police Comm.	Deputy Minister
Oldsmobile	98 Regency	7,739.52	Solicitor General	George Kerr	Chairman
Oldsmobile	Delta 88 Royale	6,463.83	Office of the Speaker	Robert Nixon	Minister
Buick	Electra Limited	8,030.18	Colleges & Universities	James Auld	Opposition Leader
Oldsmobile	Delta 88 Royale	5,951.62	Comm. & Soc. Serv.	D. M. Crittenden	Minister
Buick	Le Sabre Luxus	6,115.57	Comm. & Soc. Serv.	M. Borczak	Deputy Minister
Oldsmobile	98 Regency	6,940.19	Correctional Services	John R. Smith	Chairman, Family Benefit Bd. Review
Oldsmobile	98 Regency	7,078.01	Environment	W. G. Newman	Minister
Oldsmobile	98 Regency	7,195.71	Labour	John MacBeth	Minister
Chevrolet	Caprice	6,071.71	Natural Resources	J. K. Reynolds	Deputy Minister
Chevrolet	Delta 88 Royale	5,783.75	Ont. Prov. Police		Lieut. Governor's Detail
Buick	Le Sabre Custom	6,093.57	Solicitor General	A. A. Russell	Deputy Minister
Chrysler	New Yorker Brougham	9,749.19	Industry & Tourism	C. Bennett	Minister
		<u>\$201,467.77</u>			

Total cars 31; intermediate 2; full 29

PURCHASES IN 1975-76 FISCAL YEAR

Make	Model	Cost	Ministry	Name	Position
Oldsmobile "I"	Cutlass Supreme	\$ 5,732.30	Agriculture	R. G. Bennett	Deputy Minister
Chrysler	Newport	6,523.75	Office of the Speaker	S. H. Lewis	Opposition Leader
Mercury "C"	Monarch Ghia	5,443.80	Energy	D. R. Timbrell	Minister
Ford	Granada	6,218.98	Attorney General (Ont. Municipal Bd.)	W. A. Palmer	Chairman O.M.B.
Mercury	Gran Marquis Brougham	7,478.03	Industry & Tourism	J. D. Fleck	Deputy Minister
Oldsmobile	98 Regency	7,912.58	Ombudsman	A. E. Maloney	Ombudsman
Buick	Le Sabre	7,042.67	Labour	R. D. Johnston	Deputy Minister
Chrysler	New Yorker Brougham	8,462.65	P.M. Office	W. G. Davis	Premier
Oldsmobile	98 Regency	7,867.29	Comm. & Soc. Serv.	J. Taylor	Minister
Chrysler	New Yorker Brougham	8,502.35	Government Services	L. Henderson	Minister without Portfolio
Buick	Electra Park Avenue	8,369.62	Management Board	J. A. C. Auld	Minister
Oldsmobile	98 Regency	8,099.52	Colleges & Universities	H. Parrott	Minister
Buick	Electra Park Avenue	8,619.09	Prov. Sec. Resources Dev.	D. R. Irvine	Minister
Buick	Le Sabre	7,007.36	Health	W. A. Backley	Deputy Minister
Oldsmobile	98 Regency	8,241.59	Attorney General	R. McMurtry	Minister
Buick	Le Sabre	7,317.22	Attorney General	F. W. Callaghan	Deputy Minister
Chrysler	New Yorker Brougham	7,578.45	Treasury	W. D. McKeough	Minister
Mercury	Marquis Brougham	7,179.00	Labour	T. E. Armstrong	Deputy Minister
Chrysler	New Yorker Brougham	7,852.63	Prov. Sec. for Social Dev.	M. Birch	Minister
Buick	Electra Park Avenue	9,241.43	Natural Resources	L. Bernier	Minister
Mercury	Gran Marquis Brougham	7,362.75	Education	T. Wells	Minister
Buick	Electra	6,471.00	Agriculture & Food	Wm. G. Newman	Minister
Oldsmobile	98 Regency	8,240.22	Health	F. Miller	Minister
Buick	Electra LTD	9,627.30	Government Services	M. Scrivener	Minister
Mercury	Marquis Brougham	4,396.90	Government Services	J. Snow	Minister
		<u>\$197,703.54</u>			

Total cars 25; compact 2; intermediate 1; full 22,

PURCHASES IN 1976-77 FISCAL YEAR

Make	Model	Cost	Ministry	Name	Position
Ford	Custom Squire Wgn.	\$ 7,740.10	Colleges & Universities	H. C. Parrott	Minister
Oldsmobile	Regency 98	7,787.28	Cons. & Com. Rel.	H. C. Handleman	Minister
Mercury "C"	Monarch Ghia	6,496.20	Education	G. H. Waldrum	Deputy Minister
Chrysler	New Yorker Brougham	7,667.94	Housing	J. Rhodes	Minister
Oldsmobile	Cutlass	6,150.18	Office of the Speaker	S. Smith	Opposition Leader
Mercury	Marquis Brougham	7,241.00	O.P.P.	H. H. Graham	Commissioner
Buick	Electra P.A.	7,907.84	Labour	B. Stephenson	Minister
Buick	Le Sabre	7,084.86	Treasury	A. R. Dick	Deputy Minister
Chrysler	Newport	6,598.43	Cons. & Com. Rel.	A. S. Patillo	Chairman, Ontario Securities Comm.
Pontiac	Parisienne	6,144.31	Natural Resources	J. K. Reynolds	Deputy Minister
Chrysler	New Yorker Brougham	9,045.73	Industry & Tourism	C. Bennett	Minister
		<u>\$ 79,863.87</u>			

21. Mr. Reid (Rainy River)—Inquiry of the Ministry: 1. On what date did the Premier order the enquiry by Campbell Grant? 2. On what date did the preliminary court inquiry begin which gave rise to the inquiry by Campbell Grant. (Tabled July 8, 1977.)

Answer by the Premier (Mr. Davis):

1. October 8, 1976.
2. November 4, 1975.

20. Mr. Cassidy—Inquiry of the ministry: Will the ministry table the research that led to its determination of the maximum allowable rent increase for the year 1976-77 and the year 1977-78. (Tabled July 7, 1977.)

Answer by the then Minister of Consumer and Commercial Relations (Mr. Handleman):

In recommending an allowable level to be applied by the rent review program from August 1, 1976 to July 31, 1977, an analysis of anticipated costs was made, based on two assumptions:

(a) A 45 per cent share of operating costs of gross rental revenue with a moderate municipal tax increase;

(b) A 50 per cent share of operating costs of gross rental revenue with a slightly higher allowance for municipal taxes and a slightly higher energy allocation.

These estimates are attached.

In recommending an allowable level to be applied by the rent review program from August 1, 1977 to December 31, 1978, the analysis of anticipated costs was made on the basis of a 55 per cent share of operating costs of gross revenue which was found to be more in keeping with that experienced by the program and anticipated percentage cost estimates. These estimates are also attached.

It should be noted that the ministry did not determine the maximum allowable rent increase but rather put forth a recommendation which, in the case of 1977-78, was a recommendation of eight per cent or a lesser amount to be set by order in council should the circumstances warrant it.

CONTENTS

Thursday, October 20, 1977

Private Members' public business	923
Layoff of Inco workers, on point of order by Mr. Lewis	923
Don Jail report, statement by Mr. Drea	924
Grain corn stabilization plan, statement by Mr. W. Newman	925
Layoff of nickel workers, questions of Mr. McKeough, B. Stephenson and Mr. Bernier: Mr. S. Smith, Mr. Germa, Mr. Laughren, Mr. Bolan, Mr. Cassidy, Mr. O'Neil, Mr. Martel, Mr. Sargent, Mr. Foulds	925
Edwardsburgh land assembly, questions of Mr. McKeough: Mr. Conway	932
Home heating and insulation, questions of Mr. J. A. Taylor: Mr. Pope, Mr. Epp, Mr. Samis, Mr. Sargent	932
Anaconda plant, question of B. Stephenson: Mr. Lawlor	934
Loss of doctors, questions of Mr. Timbrell: Mr. Johnson, Mr. Kerrio, Mr. Ziemba	935
Point of privilege re story in news media, Mr. Norton	936
CNR cutback, questions of Mr. Bernier: Mr. Bolan	936
Condominium legislation, question of Mr. Grossman: Ms. Gigantes	937
Topsoil Preservation Act, Mr. W. Newman, first reading	937
Ontario Guaranteed Annual Income Amendment Act, Mrs. Scrivener, first reading	938
Tabling answers to written questions 18, 20, and 21, Mr. Welch	938
Private Members' Business, Private Road Access Act, second reading, Mr. Maeck, Mr. Bolan, Mr. Foulds, Mr. Kennedy, Mr. Kerrio, Mr. Philip, Mr. Handleman, Mr. Wildman	938
Small Business in Ontario Act, second reading, Mr. Eakins, Mr. Ziemba, B. Stephenson, Mr. S. Smith, Mr. Cassidy, Mr. G. E. Smith, Mr. Peterson, Mr. Wildman, Mr. Sterling, Mr. Kerrio	947
Business of the House, Mr. Welch	965
Recess	966
Appendix, answers to written questions	967

SPEAKERS IN THIS ISSUE

Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
 Bolan, M. (Nipissing L)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Cunningham, E. (Wentworth North L)
 Deans, I. (Wentworth NDP)
 Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Epp, H. (Waterloo North L)
 Foulds, J. F. (Port Arthur NDP)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carleton East NDP)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Handleman, S. B. (Carleton PC)
 Johnson, J. (Wellington-Dufferin-Peel PC)
 Kennedy, R. D. (Mississauga South PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 MacDonald, D. C. (York South NDP)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 Makarchuk, M. (Brantford NDP)
 Martel, E. W. (Sudbury East NDP)
 McClellan, R. (Bellwoods NDP)
 McEwen, J. E. (Frontenac-Addington L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 O'Neil, H. (Quinte L)
 Peterson, D. (London Centre L)
 Philip, E. (Etobicoke NDP)
 Pope, A. (Cochrane South PC)
 Riddell, J. (Huron-Middlesex L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Sargent, E. (Grey-Bruce L)
 Scrivener, Hon. M.; Minister of Revenue (St. David PC)
 Smith, G. E. (Simcoe East PC)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Sterling, N. W. (Carleton-Grenville PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, Hon. J.A.; Minister of Energy (Prince Edward-Lennox PC)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Wildman, B. (Algoma NDP)
 Ziemba, E. (High Park-Swansea NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, October 20, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

THURSDAY, OCTOBER 20, 1977

The House resumed at 8:02 p.m.

BUDGET DEBATE (continued from June 28)

Resumption of the adjourned debate on the motion that this House approves in general the budgetary policy of the government.

Mr. McCaffrey: Mr. Speaker, it's a privilege for me, particularly as a new member, to speak this evening to the 1977 budget for our province. I think everyone would agree that the budget—any budget, in fact—is a key document, not only in that it directly affects the activities of individuals and corporations within its jurisdiction but because it is a statement of the government's strategies and goals, and reflects a government's ideas on how we can best cope with the economic problems we face at any given time.

We all know these are serious times in our country and our province. I want to briefly touch on some of the broader national economic problems today and then those that have more direct impact on us in Ontario. I would like then to look at this government's response to the budget in these areas and discuss what we might reasonably expect in the future.

As everyone in the assembly knows, there are both disadvantages and benefits for those of us who are new members. On the negative side there is some lack of detailed knowledge of existing government programs and still some lack of familiarity with the way the system works. The benefits, however, should not be lost sight of. Uppermost here, it seems to me, is that until very recently the new members were in the real world outside this splendid assembly working, in my case, as a small businessman to achieve some personal goals.

In truth, we probably did not spend as much time as we should have in working with the government people or familiarizing ourselves with government policies. None the less, all new members hopefully arrive with some new ideas with a capacity to be objective in our compliments and our criticisms of government, and we are not, I hope, too caught up in the partisanship of party politics, which I think often detracts from our abilities to get on with the job.

It's my intention this evening to be both objective and non-partisan, while commenting on this government's budget. Accepting the fact that we can't look at the Treasurer's (Mr. McKeough) budget in isolation, let's review some of the national economic problems we face as Canadians and that are more pressing now than at any time, certainly in my lifetime. As Canadians, we face an extremely severe challenge brought on in good measure by the Liberal Party in Ottawa. That I think is honest, objective and, I hope, a non-partisan statement.

Mr. Kerrio: And contagious on your side.

Mr. McCaffrey: The ongoing problems of high inflation and unemployment, which are clearly beyond the control of Ottawa, pose some very special problems for the government of this province. The weakness of our Canadian dollar on the foreign exchange markets, the precipitous drop in foreign investment in this country and, even worse, the loss of Canadian investment capital and increasingly of Canadian individuals to more fertile regions, particularly the US, have weighed harder on Ontario citizens than on others in this country.

I think it is important to remember that the leader of the national Liberal Party and the head of the Liberal government in Ottawa, when faced with this litany of failures, has responded by making two important demands of the taxpayers of Canada. I think they are significant because of what they show of him and of his Liberal government. Later we will look at how our provincial party and the Premier of this province (Mr. Davis) have responded to the same list of challenges.

The federal Prime Minister has asked us to revise our level of expectations, to learn to accept a lower standard of living and to reduce our hopes and our expectations for ourselves and our children. What is worse, his second message is we must learn to work harder and be more productive. This latter piece of gratuitous advice more than anything else shows how out of touch the national Liberal leader is with the real people and the taxpayers, at least in this province.

Let me say that on behalf of the people of Armourdale, whose expectations, while high, have always been reasonable and who have

always accepted the necessity for hard work, we will not accept his advice. We reject these messages from the Prime Minister in total. We will not accept it. He has given up. Rather we choose to follow the more prudent, responsible and, if I may say, business-like attitude expressed by the Premier and the Treasurer of this province. This Ontario government tries to cope with the problems of inflation by taking the more difficult but more honest course of instituting a far-reaching restraint program.

I applaud this government for the difficult but responsible way in which the bureaucracy has been reduced in our province while Ottawa's has continued to soar. As a new member and, therefore, I hope in an objective and non-partisan way, I support this government's continued cost-cutting efforts. However, we are not without some unique problems in our own province. After 1980, most predictions called for a slight decline in our own economic growth. The share of the province's output produced by the manufacturing sector is expected to decline slightly over the next 10 years. Unfortunately, the decline will be most evident in employment opportunities. Manufacturing, which now employs some 25 per cent of the work force, is expected by some forecasters to employ only 15 or 16 of the work force by the year 1995.

There are several reasons for these more modest forecasts for our provincial economy. Number one, this expected decline is partly due to the heavy influx of foreign automobiles which has had an adverse effect on car manufacturers. Number two, it is partly due to the population growth pattern which is expected to decline in our province in the 1980s. Thirdly, it is partly due to the very severe slump in construction we see, particularly in the Metro area.

But, again, any reasonable person would have to acknowledge that one of the main factors underlying the lower forecast is the harsh, anti-business attitude that has emanated from Ottawa. This anti-business, anti-profit attitude, which the national Liberal Party in Ottawa has allowed to grow, and in many cases has even encouraged, has more than any other factor been responsible for the drop in foreign investment in this country and caused much Canadian investment capital to leave this province.

Members of this party and this government have never been afraid to admit the truth about real job increases. Real job increases in this province and in this country are the direct result of the level of profits in the private sector and nothing less.

I was amazed—and, I must say, disappointed in the past election here in June—how the Liberal Party oversimplified the question of job creation.

Mr. Kerrio: That is not what disappointed. The results are what disappointed you.

Mr. McCaffrey: Sweeping claims about their ability to create thousands of jobs—

Mr. Kerrio: The results are really what shocked you.

Mr. McCaffrey: —only detract from the credibility of all members of this assembly and, frankly, are an insult to the majority of people who know—

Mr. Conway: What about the job opportunities created for your predecessor?

Mr. McCaffrey: —that the only time the government creates a job in the real sense of the word is when they hire a civil servant.

Mr. Conway: More partisan trash.

Mr. Warner: Tell us about the Bramalea charter.

Mr. McCaffrey: Government, however, does have a clear responsibility to create employment opportunities.

Mr. Conway: Who gave Phil a job?

An hon. member: Behave yourself, Sean.

Mr. McCaffrey: This has been done in Ontario and will continue to be done by providing the type of economic climate in which new business can be formed, and in which existing businesses can be allowed to expand and innovate. But we all must acknowledge the fact that private sector growth is the only way we will get out of this severe slump. This government has helped to create, and fights to keep, a healthy climate by the wise application of tax policy and by avoiding excessive regulatory restrictions.

I was pleased to see this morning that my colleague the member for London South (Mr. Walker) had made some comments, reported in the *Globe and Mail*, about a "sunset law", and I think it shows the kind of thinking that goes on in this party on an ongoing basis.

Mr. Ruston: Unsatisfactory.

Mr. McCaffrey: The most important thing we can do is to continue practising restraint. Problems persist, however,—

Mr. Sargent: But who put them there in the first place?

Mr. McCaffrey: —and tomorrow morning this Legislature will hold an emergency debate on the pressing problem of the Inco layoffs in Sudbury.

Mr. Wildman: Your friends are laying those people off.

Mr. McCaffrey: Let's approach this debate in a responsible manner. Let us not resort to the clichés that sometimes even get the better of good people during election campaigns.

Mr. Foulds: Like the Minister of Energy (Mr. J. A. Taylor).

Mr. McCaffrey: Sudbury miners are productive. They rank at the top as the best-trained miners in the world, yet they are out of work. The company, faced with a very severe decline in the price of its product had, it seems to me, no other alternative. There are no easy answers and everyone here knows that, but a solution will be found; hopefully, we can make some progress on that tomorrow, even if it's a short-term solution. In the long run, I think the more we all commit ourselves to the policy of restraint in a public way, the better off we'll all be.

Mr. Foulds: Inco showed a lot of restraint.

Mr. McCaffrey: An editorial which appeared in the *Globe and Mail* on September 19 caught the spirit of this government's programs. The editorial, appropriately enough, was headed: "The Hard and Only Way". Mr. Speaker, may I quote.

Mr. Wildman: "Hard" is certainly true.

Mr. McCaffrey: "A country which rejects the kind of common sense talked by the Treasurer is asking for more and more unemployment."

Mr. Mackenzie: You mean a Roman general.

Mr. McCaffrey: The editorial went on to say, "Working towards a balanced budget would force the government to cut waste in its spending."

Mr. Kerrio: You are not going to live that long.

Mr. McCaffrey: —"to bargain realistically with its employees, to force realistic bargaining on municipal councils and school boards, and would help to stem the horrendous increases in municipal tax rolls."

This government has not practised its restraint because it's been easy or because it's been politically popular.

Mr. Warner: You created the debt.

Mr. McCaffrey: On the contrary, this government has attempted to set an example with all levels of government in this country. Often the message is not as clear as one would hope, and I think this is reflected by one member of the New Democratic Party,

the member for Welland-Thorold (Mr. Swart)—

Hon. Mr. Welch: Who's not in his seat tonight.

Mr. McCaffrey: —who wrote a letter to the *Toronto Star* which was published September 26.

Mr. Foulds: Good letter, that.

Mr. McCaffrey: He was commenting on the Treasurer's advance notice of the 1978 provincial transfers to local governments, which he went on to describe as "a superb con job."

Mr. Foulds: Right on.

Mr. Warner: Right on.

Mr. McCaffrey: He showed the kind of thinking that makes it difficult for his party to face the notion of disciplined restraint in government spending.

Mr. Warner: We didn't create the debt. You did.

Mr. McCaffrey: His letter said, "When the property owners are hit with a hefty increase in taxes next spring"—

Mr. Warner: It's your fault.

Mr. McCaffrey: —"because the provincial money is not there..."

Mr. Kerrio: Blame it on the feds.

Mr. McCaffrey: You see, he automatically assumes that the municipalities will raise property taxes rather than practise restraint. He assumes that they will not even attempt to initiate some control of their in-year spending increases.

Mr. Foulds: Do you think they are out of control?

Mr. McCaffrey: It is this kind of rutted and doctrinaire thinking that is perhaps the greatest obstacle to any restraint program. It underscores the need for all members of this assembly to work at discussing topics of this nature in a more candid and objective way to better serve the people.

Mr. Foulds: Get out of your dogmatic straitjacket.

Mr. McCaffrey: One could talk at length about the failure of Ottawa Liberals in other areas crucial to Ontario's economic interest, but it's much more constructive to refresh our memories about the positive way that the Premier of this province has led the fight to good and responsible government in the country.

Mr. Germa: That guy couldn't run a peanut stand.

Mr. McCaffrey: The auto pact, for instance, suffered for years because the fed-

eral government had neglected to make any critical assessment of Canada's performance under it. Despite that this was clearly a federal responsibility, the Ontario government took it upon themselves, just last year, to conduct a thorough review. This government articulated our concerns about productivity, about share of assembly, about achieving a reduction in the parts deficit, and, about the need for regular reviews of the pact and the performance of the industry.

This government adopted an early and very tough position in support of the federal anti-inflation program and, what is perhaps not so well known, adopted a firm and public position on the post-control period as well. Our commitment has been and remains the commitment to the complete withdrawal of controls now, a recognition of the need for the development of a special approach to future public sector bargaining involving the awareness of the equity and ability-to-pay principles, the establishing of a national public-private sector monitoring agency in this post-control period, the need to ensure basic protection for tenants for unjustifiable increases in rental costs—

Mr. Warner: The controls run out in a year and you won't do anything about it.

Mr. McCaffrey: —while at the same time recognizing the importance of increasing the supply of rental accommodation.

[8:15]

In addition, Ontario's co-operation with Ottawa in renegotiating our position under the Fiscal Arrangements Act has led to a significant disentanglement of federal-provincial responsibilities and accountabilities which, to my mind, is as effective an initiative in preserving a vibrant confederation as any rhetoric about national unity. One would only think that the Prime Minister, if faced with the same kind of a challenge, would perhaps discuss a referendum.

The Ontario budget announced the establishment of venture capital corporations, which is a welcome move. One hopes there will be federal income tax relief for investment in these VICs. Venture capital people say there is a lot of private money here that could be captured for venture capital if there was some federal tax encouragement.

The establishment of a royal commission on pensions by this government is also an important move. We in this party recognize that the whole question of pensions, both private and public, will likely be the dominant, social and economic challenge facing all of us in the very near future. The royal commission

on pensions should zero in on some of these areas:

Indexing—What is the real effect of unlimited indexing of pensions? Will it bankrupt us? Should there be a limit on the amount by which pension payments can be increased after retirement? What projections can be made now with respect to the Ontario civil service plan as to future costs of indexing? Further, what are the real needs of pensioners? There is not much information on how pensioners are coping at the moment with their combinations of old age security, CPP and private pension plans.

Small employers' plans—Most large employers do have a pension plan. Should small employers be compelled to have one? Get the actuaries to work. Work up some examples of the cost of putting in a plan for a small business of, say, 25 or fewer employees.

Portability—Private pensions now are portable only if there is an agreement between plans. For example, if an employee of company A moves to company B, he can't take his pension credits with him unless there's a pension agreement between those two companies. How many such agreements do exist? Is an employee penalized if he must leave his pension credits in his previous employer's plan? If so, why are there not more pension agreements now between companies? Can the private pension fund industry move more quickly to full and immediate vesting provisions for contributors?

These and other important questions must be dealt with and will be dealt with by this government very soon.

Clearly, the record of this government has been good, and that record has not been lost on the voters of Armourdale.

Mr. Foulds: That's not so clear. Remember you are a minority government.

Mr. McCaffrey: I firmly believe that the Armourdale constituency is unique in this province.

Mr. Warner: It's certainly unique in electing you.

Mr. McCaffrey: Ours is a constituency composed entirely of hardworking, responsible taxpayers who do have and will continue to have high goals for themselves and their children. The residents of Armourdale make up the very backbone of our country and our province. We in Armourdale know what it is to work hard and to save and to live, I would add, within our means.

Mr. Foulds: With the level of income that is relatively easy.

Mr. McCaffrey: The goals of this government to practice restraint and to try to bal-

ance the budget at some future date are goals that are understood by everyone in our constituency. As responsible taxpayers, they know what it is to try to balance the budget in their own firms, large and small; indeed, to try to balance their own family budgets within their own homes, an area where cuts are made and priorities are established on a regular basis.

Mr. Wildman: I understand quite a few families operate on deficit spending.

Mr. McCaffrey: We all know what this means and we all know the difficult choices must be made. From our provincial government we have learned to expect discipline, restraint and even leadership in the national sense when it is required. When the Treasurer introduced his budget earlier this year he made one statement which more than most others reflect the attitude of the people of our constituency towards government in general, and I quote: "The evidence is clear that our citizens do not want to pay higher taxes to buy more public services. They want higher real incomes and they want value for the taxes they already pay."

In my constituency, we know that geography and history have treated our province well, but we also know in an objective and non-partisan way that the calibre of leadership that this party has provided to its citizens for more than a generation has kept us in the forefront of good government growth and stability.

Mr. Wildman: That's an unbiased statement.

Mr. McCaffrey: We fully expect this party and this government to accept the challenge of the next generation, and to offer the leadership to meet the times so that we can continue, as every member of this assembly knows, to be the province of opportunity.

Mr. Foulds: That speech had a certain style but no content.

Mr. Ruston: I would like to congratulate the member for Wilson Heights (Mr. Rotenberg) on his appointment as Deputy Chairman of the committee of the whole House, a new member just elected recently. We are looking forward to seeing him carry that responsibility very adequately.

I am very happy too to see the appointment of the Speaker, the member for Lake Nipigon (Mr. Stokes), who was elected to the House in 1967, the same year as I was. He has that very fine opportunity to show us his abilities and so forth. I am sure he will find things trying at times, as we have noticed probably in the last couple of days and probably more so today. However, I am

sure he will carry it out to the best of his ability and try to keep the House with a little decorum.

Mr. Conway: Give them hell.

Mr. Ruston: I was just going to have a quiet sort of a speech, but then I heard the remarks of the previous speaker, the member for Armourdale, who got up and said he was going to be very non-political and so forth and then started his rampage against the federal government, which I have no love for either. There happen to be Liberals in power but the people of Canada elected them; so that's it. I accept it the same as I accept whatever they elect in Ontario. But the strange part of it is that the government of Canada under the present leader was in with a minority in 1972, but when he called an election he got a majority, and that's better than the members did over there, I can tell them. And that's better than they are going to do, I can tell them.

Mr. Nixon: Out the door.

Hon. Mr. Welch: That's not going to be too prophetic.

Mr. Ruston: In the United States they have a law that the president can't be elected more than eight years. In Canada, we don't have anything like that and we do have strange situations where one government stays in power many years, which we have had in Ottawa. One time the Liberals were in power in Ontario for 30 years with Oliver Mowat, I believe it was. I am glad to have the good member for Brant-Oxford-Norfolk who understands Ontario history probably more than anyone here in the House.

Hon. Mr. Welch: I went to university with him and he failed history.

Mr. Ruston: And also the member for Renfrew North. I am sure they could straighten me out if I get mixed up on my history. Then we had kind of a downfall in political power in Ontario and the members opposite had control for a number of years until 1975.

Hon. Mr. Welch: Thank goodness.

Mr. Sargent: All downhill.

Mr. Ruston: I think the people really were ready to turf them out. The big problem was just for anybody to look at the Ontario budget for the last six years. If that doesn't make them sick to their stomach, then what does. I just ate a nice dinner a while ago but looking it over, I told my seat partner I needed a Rolaid to help me out. It just throws you the way that budget has gone for the last six years.

Hon. Mr. Welch: Has the member read that budget?

Mr. Ruston: I sure have. Has the minister?

Mr. Acting Speaker: Order, please.

Hon. Mr. Welch: What's on page 42?

Mr. Kerrio: A picture of the Treasurer.

Mr. Ruston: I'll take page 17, "Towards a Balanced Budget."

Mr. Ruston: I'm sorry, Mr. Speaker, we're getting a little off track here. I didn't intend to upset anybody. I'm a very non-political person. I just like to have a nice quiet evening of talking about the bad parts of the present government and what we as Liberals would do in their place.

Hon. Mr. Welch: He'll never have to worry.

Mr. Ruston: It hasn't been too long, of course, since that famous election of June 9—

Hon. Mr. Welch: He'll never have to worry about that happening.

Mr. Sargent: On a point of order, Mr. Speaker, would you please bring the government House leader to order?

Mr. Ruston: That's a good idea, Mr. Speaker. I think the member for Grey-Bruce had a very good point, although I don't mind interjections.

Hon. Mr. Welch: The first in 15 years.

Mr. Acting Speaker: Would the member for Essex North please continue? He has the floor.

Mr. Ruston: Thank you. In looking over the financial affairs of this province, one wouldn't think a Conservative government would do that. Normally that is not their procedure. They just run it right down and down. A very good Conservative—and I think I said this one other time in the House in one of my speeches—a very great Conservative from our area called me in the morning after I won the election 10 years ago—it was 10 years ago last Monday, I believe. He called me in the early morning to congratulate me, and he said, "You know, Dick, in a government you have to make sure that the government keeps a balanced budget when times are reasonably good, but the time for government to spend is when there is a lot of unemployment and the economic system is going down. That's the time the government must spend."

Today, this government has gone in default—you might call it default—with such a large deficit for six years, that it now has nothing to bring up without overtaxing the people. They have just gone so far in debt that of every dollar they collect in taxes, it costs about 10 cents of that just to pay off the provincial debt. They put themselves in that bind themselves. They deserve to be there—really, we should just walk all over them.

Mr. Havrot: He sounds just like Charlie Farquharson.

Mr. Ruston: However, we have got to get the people of Ontario going again and we have got to show them how it can be done.

Mr. Maeck: Show us how they do it federally.

Mr. Ruston: As for what they are forecasting what they are going to get this year, the budget estimated revenue for 1977-78 at \$11,983 million; now they have revised that down to \$11,497 million, which is a decrease of \$486 million. That's on the table of September 30, 1977. It's interesting to see some of the places where this money is being spent. In health care they saved \$156 million but, while they are saving in health care, the member for Brock is really pouring out the money with his Culture and Recreation and Wintario funds.

Mr. Kerrio: The big spender.

Mr. Ruston: Yes, the big spender.

Mr. Nixon: Does the Minister of Culture really run Wintario? The lottery?

Mr. Acting Speaker: Order, please. The hon. member for Essex North has the floor.

Mr. Ruston: And the chances of winning are pretty slim, too. Look at the bonus draw; Number of series issued, 108; number of tickets for series, 90,000; total tickets issued, 9,720,000; and five grand prizes of \$100,000. You have a chance of 1,944,000 of winning \$100,000. Some odds on that bonus prize! Such advertising—"Everybody wins."

Mr. Nixon: What a ripoff.

Mr. Foulds: The odds are terrible but the payoff is great.

Mr. Ruston: One can go on, of course, and even with 203 prizes of \$10,000 each there is only one chance in 47,000—and that includes the bonus draw.

Hon. Mr. Welch: Who did that research for the member?

Mr. Ruston: This type of advertising for Wintario is beyond what I thought any government would ever get to.

Hon. Mr. Welch: Just take a look at that Loto Canada stuff.

Mr. Mancini: This is not the House of Commons.

Mr. Acting Speaker: Order, please.

Mr. Ruston: I thought I'd bring that up because I know the member for Brock is here. [8:30]

Hon. Mr. Welch: On a point of order, it is an unconscionable thing that Loto Canada is

doing with respect to an instant cash lottery. They'd put slot machines into every—really!

Mr. Foulds: Sic Larry Grossman on them.

Mr. Acting Speaker: Order, please. I would indicate to the House leader that that is not a point of order. The member for Essex North will please continue.

Mr. Ruston: Thank you, Mr. Speaker. I certainly agree with your ruling there. It was absolutely ridiculous and unbecoming of the House leader to even suggest such a thing.

Mr. Nixon: There is a man who is going to go places.

Mr. Ruston: He likes sending out those letters with his name on them. On the ones that they don't approve, of course, he puts somebody else's name, as we all know.

Hon. Mr. Welch: You bet your life. That protects their right to appeal.

Mr. Conway: I hear Clark has an arthritic arm.

Mr. Ruston: We are concerned. The government here allowed Ontario Hydro, through the Energy Board, to raise their rates last year by 30 per cent. Now they go before the Ontario Energy Board eight months later and they really don't deserve any raise, although I see they are, I guess, going to allow them five per cent.

That had to be one of the worst causes of some of our financial problems in Ontario. By raising the Hydro rates so high, the government actually took away the spending power from people who had this money, had the earning capacity, but the government raised the Hydro rates so much that it took the money away from things they could have bought—furniture and all that sort of thing.

The government raised the Hydro rates about 12 or 14 per cent more than they should have been raised. They could have been raised last year 15 per cent, this year 12 or 10, and the next year 10, and they would have been smoothed along and people wouldn't have noticed it. But that showed the irresponsibility of Ontario Hydro and this government's inability to deal with it.

The Ontario Energy Board again just lately approved an increase to the Union Gas Company for natural gas. Of course, their prices are, we know, to a great extent governed by the National Energy Board on the prices they pay at the wellhead and through the pipe coming into Ontario. But at the same time, if you look at the profits of Union Gas, they're not doing badly.

I see Union Gas's fiscal year ending March 31, 1977, had profits of \$24,283,000; March 31, 1976, profits were \$19,391,000—

an increase in profit of 20 per cent or \$5 million. I don't know what the AIB thinks of this type of thing but they're certainly going to get a copy of this report that I have here. Because that is not, in my opinion, conscionable at this time and I don't think that it should ever have been allowed by the Ontario Energy Board.

The only thing we can do now is make representation to the Ontario Energy Board to stop any increases that Union Gas—and I'm sure that Consumers' Gas is the same—are asking for in February coming up, until this extra profit is used up.

So there are two things that we're not controlling that should have been. We have an Ontario Energy Board but they are not doing the job and this government has not given the leadership that it should to see that the board does.

Mr. Foulds: I wonder why the AIB is so ineffective in that case.

Mr. Ruston: To give an idea of some of the problems that we are facing in the not too distant future, I was noticing something just recently in our own area in the city of Windsor with regard to labour negotiations with the secondary school teachers in Windsor and the board of education. In a very interesting report by the fact-finder who was appointed to study the situation because negotiations had broken down, fact-finder Brian Downie of Kingston in part of this report says, "The situation is so bad that if a peaceful contract settlement is not reached, the provincial government should consider imposing an agreement that would last three years." It is really a terrible thing that a fact-finder would find that negotiations with our school boards and teachers are so bad.

He says: "In my 17 years as a student, scholar and practitioner, and teacher of collective bargaining and industrial relations, I have rarely encountered a relationship at the bargaining table as full of mistrust and bad feelings as this one." Downie says, "It is abundantly clear that the relationship won't improve until certain attitudes on both sides are changed."

That is part of our problem in our whole labour relations in Ontario and, probably, in Canada; although it seems to me we have a lower ratio of strikes this year, so I am sure it is improving, but it worries me when I see that type of situation in Ontario, especially so close to home.

I just don't know how we are going to overcome that, but there is a limit to how much we tax people. Someone has to draw the line someplace; and someone has to sit

down and talk across the table and figure out how we are going to solve some of these problems.

Mr. Sargent: Nobody is running the store.

Mr. Ruston: In my own area a year ago some of the school taxes went up about 18 or 20 per cent; but this year the school taxes went up only about seven per cent. So it did show better in our own area. But I am concerned—going by the grant structure and so forth—what it is going to be a year from now, especially when the Treasurer (Mr. McKeough) is reneging on what we call the Edmonton commitment and the amount of money that was to be turned over to the municipalities and the school boards based on the total money that he receives in taxes here in Ontario; now he is cutting that down and including grants to farm property and things like that in the total grants instead of keeping them separate as the intention was at the time.

Another thing that we are concerned about, naturally, is the unemployment situation. We hear today of Sudbury and International Nickel, and can see where we are heading in the manufacturing field in Ontario. This is something in which we have probably all been remiss—in not seeing that more of our raw materials are manufactured in Ontario. Our export trade with Japan balances to a degree, but the things we ship out have no labour content in them to speak of and everything we import from them is all labour oriented.

I read a newspaper article the other day in which it was stated that there are more Japanese cars sold in the city of Los Angeles than any other make; and they are competing very strongly in other parts of the North American continent, including Canada. So we certainly have some things to consider when it comes to our manufactured goods.

In budgeting the way this government has, you wonder where they are going to cut down. One interesting part of their spending is the combined estimates expenditures for information services. In some 18 ministries it is over \$18.6 million. Then, of course, they have a few other ones in the citizens' inquiry branch—that's \$254,000. But there is \$18.6 million that we are paying for in information services, with every minister having his own information department, with former newsmen looking after it, and staff in every one. Certainly, there has to be a real look at that. No way should this government be spending \$18.6 million for information services.

Mr. Foulds: Have they found out anything?

Mr. Ruston: If you ran your government openly you wouldn't need information services; people would know what was going on through the media anyway. Maybe that is part of your problem; you try to hide too much; then you release your own information as you see fit and it costs you a lot of money. I think that's where we should be looking at places to save money.

Mr. Conway: It takes \$18 million to sell a worn-out tire.

Mr. Ruston: That's right; and they are spending it all the time in all the papers. I've seen the new Minister of Consumer and Commercial Relations' (Mr. Grossman) big ads with his name in. You know: "If you don't get your car fixed right give me a call and I'll go after the garage and get it straightened out." So that's one of the places where their ads are—in the paper every day, "Call us and we'll help you." But they always make sure the minister's name is there in bold print, so the public will know it's a Conservative government that is doing it.

Mr. Conway: Bold print and no bold action.

Mr. Gregory: Are you going to make a speech tonight, Dick?

Mr. Conway: I want to know why Mississauga doesn't have a cabinet minister.

Mr. Ruston: What's that?

Mr. Gregory: I just wondered if you are going to make a speech tonight.

Mr. Acting Speaker: Order, please. The member for Essex North only has the floor.

Mr. Martel: Would you tell him to get back to his chair?

Mr. Ruston: I was mentioning a few minutes ago natural gas prices. I was reading the other day "Natural Gas in Canada, Crisis or Not?" an article from Energy, Mines and Resources of Canada. We were informed not too many months ago, maybe a year ago, that there was an awful shortage and we had to do everything to conserve—which we should be doing especially as the price keeps going up. But in looking over the latest reports in here it says that we have anywhere from 30 to 50 years' supplies. In the last year in Alberta I understand that the wells have been going down faster than they can keep track of them. Natural gas last winter was in abundant supply and many of the small operators just couldn't get rid of it. They were having trouble selling it.

Maybe it took the price increase to get people out looking for it. And we'll grant you that; unless they can make some money they are not going to get out and hunt for it. But now it looks like they have been

hunting for it and they are finding it. They are also finding new oil wells at different levels and the supply is definitely much better. It looks much better now than it did a year or a couple of years ago when OPEC was raising their prices and talking about cutting us off and closing up the supplies at times.

So maybe that was a little bit of false information that was put around to get the prices up; very likely this had something to do with it. But as far as refined gas is concerned, the oil companies have so much refined gasoline they just don't what to do with it.

I stopped in and got gas on the way down the other day near Kitchener. The fellow at the BP station said, "They are lowering the price of gas to me now because they have so much they don't know what to do with it." The refineries are certainly busy and we have lots of gas at this time and, of course, that is to some extent keeping prices down right now, at least at the retail level.

Mr. Foulds: The price of gas is being kept down at the retail level? Live up north, buddy.

Mr. Ruston: We are concerned that some of the farm prices in Ontario have deteriorated in the last year or two, as many of you are aware. A few years ago, we recall—in 1973, 1974, 1975—there was a world shortage of foodstuffs which forced the prices up. Now we are facing a different situation. There are surpluses throughout the world and we are suffering now from reduced prices.

One of the main crops we grow in our area is corn and the price of corn is just terrible at this time. I think the price is about \$1.65 for 15 per cent corn; if you were to take it out of the field and dry it and so forth you would probably end up with \$1.45. It was good to hear the Minister of Agriculture and Food (Mr. Newman) announce his stabilization plan for corn today. It will be effective for the 1977 crop. With the federal stabilization plan they received six cents a bushel for the 1976 crop from Ottawa. Now with this in place, at least it is going to keep him from going under, but it certainly isn't going to leave him any profit. At the cost of producing corn today, with the price of machines and fertilizer and weed sprays and so forth, we certainly need \$2.50 to \$3 a bushel for corn.

[8:45]

The stabilization price in Ontario would have been 11 cents for the 1976 crop if it had been in place, so what the stabilization price will be, depending on the five-year average at 95 per cent and any increase in cost of production, I don't know. I think this year Ot-

tawa set it at around \$2.23, if I remember correctly.

So we are certainly going to need that stabilization plan. I don't think it is going to keep us above water. However, it will certainly help a great deal. I might say I'm proud that our member for Huron-Middlesex (Mr. Riddell) has played a great role in getting a half-way decent stabilization plan in this House when we had to vote against it a year ago. Through his efforts we got the bill changed and at least it can work and it can be improved, there's no doubt about that.

Another area of concern is with health care and the hospitals in our area. Of course we have, as many of you heard, what they call the Riverview Hospital in Windsor. The Minister of Health (Mr. Timbrell) is now trying to say it's a wing or a unit of the Windsor Western Hospital and I suppose in that way he thinks he may have authority to close it because it's not classified as a full-fledged hospital. But I want to forewarn him now that that is not the feeling we and the people of Windsor and Essex county have.

That hospital has been in place for many years, it's served a great purpose for chronic care people and especially the elderly, and has served a great need. The people in that hospital have been very dedicated—the nurses and the staff completely—and in my opinion it has been one of the best hospitals that we have had, and the care in it has been that way. Now it has been reduced to 120 beds, but I don't think in any way that that hospital should be closed.

I think it should continue to operate until a new hospital can be built. It may take us three or four years to get the money in place, but there is some money left to the hospital by residents in the community and that money I'm sure can only be used for building a new hospital of a similar type, with the amount of money that may be there plus local fund raisings and I'm sure the Wintario funds.

The member for Brock (Mr. Welch) has left now, but he generally has lots of money left over and I think we are going to have to look at using some of that when the hospital has to be replaced. There is no doubt it can be used for that, and I'm sure it will still leave enough for culture and recreation. There just doesn't seem to be any sense to have no limit to what you can spend on culture and recreation when you are going to limit health care. I just don't think that's reasonable. I just don't accept that in any way.

I think if you are going to limit any budgeting, then all areas have to be limited. It should not just be wide open on one and

restricted on another, especially when it comes to health care. So, Mr. Speaker, I just want to forewarn the Minister of Health that we are not accepting the principle that he is going to close Riverview Hospital because in his opinion it is a unit of another hospital. We are going to see that he does not, whatever we have to do.

Another matter of concern in our area is air pollution. Of course we are very close to the United States, as the member might be aware. My riding, I suppose, wouldn't be any more than a mile from the United States in some areas, and maybe even closer to the Detroit River and the famous Zug Island on the American side, with its heavy industrial factories in that area. It is a massive industrial area, and with the prevailing southwest winds it has been a real problem. True, it has been improved in the last three or four years a great deal to what it was 15 and 20 years ago when orange-coloured mounds of smoke just peeled across into Windsor and Sandwich West township.

I think what we're going to have to do is provide more teeth for the International Joint Commission in the area of air control and water pollution. They should be seeing in these areas that the industry has to clean up, instead of having private people who have had damage done to their homes or to their health having to go to try to sue these companies in the United States.

In my own area, I've been investigating areas that have had aluminum siding on their houses for the last eight or 10 years. This siding is pitted and all scuffed up, it's just a complete mess. It cannot be cleaned off, and it won't come off. It's gone right into the aluminum itself. This is from pollution from the United States. We certainly have to keep after that and get more teeth in our international laws so that this can be taken care of.

There are other areas of concern that I have, but I really am concerned about the general budgeting, the financial arrangements and the mismanagement of money that this government has had over the last six years. It's just not acceptable to get up in this House and blame everything on some other government or something, when you yourself are running at the deficit that this government is over the last six years, and in the spending of money had no desire whatsoever to try to control it until about the last year. When our leader in the last election started saying that the government had to quit raising taxes more than eight per cent or six per cent or something, I remember quite well when the Treasurer got up and said it was ridiculous. Even he's doing that now. He knows that the

people were ready and were accepting what our leader was saying, that government has to restrict itself to taking money out. There's only so much to go around. If you take out more than you should, you're not leaving the people money so that they can buy the necessities of life in order to keep our industries going in Ontario and Canada.

I just want to say again that the problem in this province is the mismanagement of money over the last six years which has put the government in the position they're in now. If they would have looked after their finances properly, at a time like this they could prime the pump, as we say, and put out \$500 million in new jobs and incentives and so forth. We're still going to have to do some of that. We have to do some of that. I think our leader had the right system where you pay \$2,000 up to \$10,000 by hiring people in small industry, and you get the people back to work that way and get the unemployment rolls down. That can be done by co-operating with the federal government through the unemployment insurance office, because goodness they're paying it out anyway.

That's really the main gist of what I want to say. It is the mismanagement of money over the last six years that has put us in this position we are today.

Mr. Wildman: As I rise to participate in this budget debate, I'd like to take this opportunity to congratulate the member for Wilson Heights (Mr. Rotenberg) on his election as the Deputy Chairman of the committee of the whole House and to offer my sincere wishes that he will enjoy his role and that he'll do very well at that very important job. I'd also like to offer my congratulations to the member for Lake Nipigon (Mr. Stokes) who has been elected to the position of Speaker.

Mr. Conway: Fine fellow.

Mr. Wildman: I consider it a privilege to have him as my neighbour, not only as my seat-mate here but also as the representative of Lake Nipigon riding which borders on my rather small riding of Algoma, which is only 400 miles long.

Mr. Conway: Is that in downtown Wawa?

Mr. Wildman: No, it borders on my riding in the vicinity of White River, as a matter of fact. It's a railroad community in the north end of my riding, in which both the member for Lake Nipigon and myself have mutual friends and acquaintances. I'm sure they will agree with me in anticipating that this Legislature and the province will be well served by him in his office, and that his manner and ability in discharging his duties will be a

great credit to northern Ontario and to rail-
roaders right across the country.

We in this province are faced with a very grave economic situation which was disastrously brought home to us today with the announcement by International Nickel that 2,800 workers will be laid off at the end of the year. If nothing else could convince even this government, which seems to be dominated by the thinking of Neanderthals, that we must gain control of our natural resources in the industries that exploit them, I don't know what will.

Mr. Warner: A bunch of animated rocks.

An hon. member: There's nobody over there.

Mr. Wildman: In northern Ontario in general, and northeastern Ontario and Algoma in particular, we are blessed with a great wealth of minerals, forests, water and some of the most beautiful scenery in Canada east of the Rockies. Anybody who has travelled from Wawa south to Sault Ste. Marie on the Trans-Canada Highway can certainly testify to that scenery.

We've also got some of the most industrious and hardworking men and women in the country. Over the years, a large resource-based industry has developed in the north and Algoma. We have forestry, farming, mining and tourism, but because of this government's failure to develop secondary industries that we need in order to provide job opportunities, we appear to be squandering our future. One only has to look at Blind River on the north shore of Lake Huron in the southeastern part of my riding to see the problems that result from an industry which is solely based on resource development and exploitation of resources.

We are told many times that forestry is a renewable resource, but unfortunately in many cases the industry has been treated as if forestry is really an extractive industry. We mine our forests rather than farming them—

Mr. Foulds: Timber mining.

Mr. Wildman: —and when that is combined with a disaster like the one that took place in Blind River in the late 1940s with the very serious Mississagi fire, then you are left with a community without a resource base—a community that has had an industry which was dependent upon that resource base and a great deal of unemployment.

This doesn't just apply to things like forestry or mining, it also applies to tourism. Although tourism, I suppose, is a service industry of sorts, it's also a resource-based industry. You have to have the clean water, the clean lakes, the clean air, the forests and the

wildlife if you're going to have a viable tourist industry in northern Ontario. Unfortunately, it doesn't appear to be the policy of this government to maintain those resources.

Our tourist industry is in serious trouble in northern Ontario and has been for the last two years. It picked up a little bit last year. It was a little better last year than the previous year but still it's away down as it is right across the province.

Mr. Eakins: Build a new lodge.

Mr. Kerrio: Not in Niagara Falls. We're up in Niagara Falls.

Mr. Martel: Minaki Lodge.

Mr. Wildman: Perhaps we should have located Minaki Lodge in Niagara Falls. It probably would have made more sense.

The problem we've got in this province, of course, and in the economy in general, is that we have a branch plant economy. The government has encouraged this and it makes it almost impossible for the government of the province to prevent the type of economic fluctuations and unemployment we have in Blind River and along the north shore which now have become almost a permanent state—or the serious problems that we now face in Sudbury. I'd like to spend some time this evening talking about the so-called solutions proposed by the Treasurer of Ontario (Mr. McKeough) and others within the government of this province and the government of Canada for these serious economic problems.

The whole country is facing the twin scourges of high inflation and consumer prices and record levels of unemployment; when you combine the two, you have a situation that really defies traditional approaches both by conservative and Keynesian economists. Despite the Treasurer's overly optimistic and mistaken predictions when he presented the budget just prior to the election, Ontario still faces that high inflation and unemployment—unemployment that has reached over eight per cent and still continues to rise.

In some of the communities in Algoma, even the ones that are more prosperous and where we don't have serious unemployment, consumers have to pay excessively high food, shelter and energy prices, which continue to escalate. In some areas we face unemployment levels of almost 20 per cent.

What kind of answer do you get from this government when you raise these problems? I have pointed out to the Minister of Energy (Mr. J. A. Taylor), for instance, on a number of occasions that in communities

like Wawa, White River and Hornepayne that we pay almost \$1.10 a gallon for regular gasoline. Down in southern Ontario they talk about the possibility of \$1-per-gallon gasoline. Well, we have already got it in the north, as the Speaker is well aware.

What does this government do? What does the Minister of Energy do when you raise the problem? He goes into a long diatribe about how the NDP is not really interested in doing anything for this province and how he protects the consumers. When I see him protect the consumers of my riding, I'll go skating in July.

Mr. Martel: On Lake Superior.

Mr. Wildman: Yes, on Lake Superior. The problem with the Minister of Energy is that he misunderstands the fact that while I am certainly concerned about the consumers, I am not concerned about the consumers alone when I raise the problem of high gasoline prices; I am also concerned about the independent gasoline station dealers.

You don't have to go as far north as White River and Hornepayne to see very high gasoline prices in my riding. You can see it 20 miles outside of Sault Ste. Marie in small communities like Echo Bay, Bruce Mines, Goulais River, Batchawana and so on. These communities have the same high prices and, since they have to compete with the self-serve stations in Sault Ste. Marie because the commuters are travelling back and forth, they go out of business. There is just no way they can compete.

What does this government do? Neither the Ministry of Industry and Tourism, the Ministry of Consumer and Commercial Relations nor the Ministry of Energy has done anything over the years and particularly the last two years, when gasoline prices have risen so high. When you consider the climate in our part of the province and you talk about gasoline prices, you have to keep in mind as well the home heating oil prices are excessively high as well.

What kinds of solutions, if any, if not from the Minister of Energy, does the Treasurer provide for us in this province? What does the government of Canada provide for us? We don't seem to be seeing too many solutions.

There appears to be two conflicting views about the policy directions which would be best suited for dealing with the current high inflation and joblessness. One is that of the economic right, which is espoused by the Treasurer and many Ontario editorial writers, as was alluded to by the member for Ar-

mourdale (Mr. McCaffrey) when he was speaking. He said we needed a hard approach, and the Globe and Mail has supported that.

It certainly is a hard approach. It emphasizes the problem of inflation and purports to turn the economy around and bring a return to prosperity by cutting public sector spending. Basically that's the only answer they have got.

The followers of this approach tend to believe that our economic problems are the fault of the victims of those problems, and they have a penchant for what can best be described as welfare bashing. They put their faith in the substantial transfer of resources from the public sector to the private sector. The method of implementing this approach is a severe curtailment of the public service spending and turning the resources saved over to the corporate sector in the form of tax exemptions and incentives.

In this period of stagflation, however, the restraint program in public service spending has not been successful in lowering the rate of inflation, but at the same time it has worsened the effects of high unemployment. The proponents of this right-wing approach argue that these bribes to private capital will lead to increased investment, which will stimulate growth both in the private sector and expand employment. What they fail to realize is that these government gifts have never changed the behaviour of private capital. They have never created a significant number of long-term jobs in a period of economic slowdown. The impact of public sector cutbacks and the reliance of government on the private sector only serves to cause even more unemployment and hardship for the jobless.

In his ill-conceived effort to balance the budget, the Treasurer is ignoring the fact that with the rise of unemployment the number of people requiring public assistance is increasing seriously. The social welfare cutbacks coupled with the changes in the UIC regulations will be disastrous for the high unemployment areas of my riding and the rest of the province. One just has to look at the north shore of Lake Huron to realize what effects the extension in the waiting period and the cutbacks in social services spending by the province, will have on the people who are out of work. The situation would be even worse in my riding if it weren't for the boom in Elliot Lake in the riding of Algoma-Manitoulin because, without the possibility of getting jobs in the mines for the young and physically able, for people along the north shore we would have even higher rates of unemployment.

As municipalities are forced to slash programs that benefit the community, more and more victims of unemployment and underemployment, which is a serious problem in my riding as well, will find it even more difficult to obtain and pay for the necessities of life, such as shelter and heat in a period of rising prices.

As an example of this, with these tremendous cost increases in Hydro rates over the last year or so, the Ministry of Community and Social Services apparently hasn't made any adjustment in the way they calculate the cost of heating a home for a person who is on social assistance. They have made an adjustment, I think, for the cost of oil, but if a person happens to have electric heat, then they are literally out in the cold as far as getting extra assistance is concerned because there just isn't any adjustment. I wish the government would at least look at that, even if they must remain attached to their restraint program. The Treasurer's unrestricted faith in capitalism apparently makes it impossible for him to see that in a period of such economic distress social services are even more necessary and must be provided by the public sector. Social welfare, health services and affordable housing are inherently socialist and have never been provided by capitalism.

Since the public sector cutbacks were first initiated in the 1975 budget, the performance of the Ontario economy has continued to deteriorate and unemployment has continued to climb. Surely this is proof enough that this sort of ruthless budget slashing produces more hardships for many people with no real economic benefit. If the approach of the Treasurer isn't acceptable, what about the other approaches that are proposed? The other main approach proposed for dealing with our economic problems is that of Keynesian economics. Followers of Keynes argue that the way to alleviate unemployment is to stimulate the economy by short-term tax cuts and government spending on public projects and services.

During the election campaign, as a matter of fact, in May and June, it appeared to me that, at least as far as Algoma was concerned, the Premier (Mr. Davis) and his colleagues had abandoned the Treasurer and had been converted to Keynes. The Premier and other cabinet ministers promised all sorts of projects in my riding. They paved the runway at Wawa, they turned the sod for a new airport at Hornepayne—even though the blackflies were bad for the minister when he was having to do it. They even promised to build the long awaited highway between Blind

River and Elliot Lake, just to name a few projects.

Mr. Nixon: The road is paved into Hornepayne; I happen to know.

Mr. Wildman: The first of these projects—the runway at Wawa—has been completed. It was needed, and it was a good thing. I hope that the other two projects I mentioned won't be cut because of the Treasurer's obsession with balancing the budget at the expense of these needed projects.

Mr. Lupusella: I am sure he will do it.

Mr. Wildman: You think so? Well, I hope he won't. We will certainly try to prevent him from doing it.

Mr. Lupusella: That's the problem.

Mr. Wildman: But even if the cabinet were persuaded to undertake public service projects and a tax cut to generate provincial demand, they wouldn't be dealing with what I believe to be the fundamental economic problem causing high unemployment.

Both the Keynesian approach and the right approach of the Treasurer are based up the assumptions that the economy is merely undergoing a particularly severe period of cyclical fluctuation which can be corrected by tinkering with fiscal and monetary policies. While I don't deny that part of our unemployment is cyclical, it has been superimposed upon the fundamental imbalance of the economy which has led to increasingly high levels of unemployment since 1966.

According to the science council of Canada, for the period between 1955 and 1975, Canada has industrialized at an abnormally slow rate by comparison with most western European countries and a large number of non-European countries. In 1955, as an instance, Canada was second only to the United States in the value of manufactures per head.

By 1974 we had fallen behind countries that had previously been a long way behind us. Although these are national figures, they have special significance for us, since Ontario is the leading industrial province. Obviously, new approaches are necessary to diversify our economy by improving our industrial base to provide planned growth and long-term employment.

In the short term, moving away from the restraint program in the public sector and providing tax cuts to low and middle income earners, are desirable. In that sense, I urge that those Algoma projects go ahead and that the government agree to such other capital projects as a residential care facility for the elderly in Wawa to serve northern Algoma, as well as geared-to-income housing for Blind River, Wawa and Bruce Mines, the comple-

tion of the water and sewer project for the whole of the town of White River, and other improvements such as roads throughout the riding.

Mr. Nixon: Have you got that air strip paved?

Mr. Wildman: Yes, it's paved.

This would stimulate the construction industry in my area, provide facilities for the services that are greatly needed, and stimulate development and consumer purchasing power. But tax cuts and works projects alone will not cure long-term unemployment. Their impact is only short term. Increased savings might result from a tax cut but this would not assist in stimulating demand and much of the additional consumer spending would be on imports, especially if the Treasurer has his way on tariff reductions.

Mr. Nixon: Are you a protectionist?

Mr. Wildman: Yes, I am.

This would have little effect on the jobs here. Also, with the present high stockpiles in some sectors—as is certainly true in the Sudbury basin, if you use that as an example—companies under financial pressure might simply use the opportunity of a consumer surge to liquidate their excess inventory, thus limiting the employment generating impact of consumer tax cuts.

Further, the impact of increased consumer spending might be blunted as corporations raise prices to meet expanded demand. Tax cuts and works projects must be measures taken in the context of a more systematic solution to long-term economic slowdown and unemployment.

The provincial government must move to exert public control over the economy, especially investment decisions being made in Ontario. We must make the size and use of capital matters of public rather than just private policy. Since corporate profits are based on the exploitation of our natural resources—our labour and consumer dollars—the government must insure that corporations set aside for the development of processing industries in Ontario a large portion of the 85 per cent of their profits they reinvest. This is certainly true in cases such as the Sudbury basin and along the north shore of Lake Huron where, if the resource dwindles or the market for that resource dwindles, then people end up out of work and there is an economic depression.

[9:15]

There can be no further deferrals of the rules on processing in this province. If the private sector doesn't fulfil its obligations, then the government should use the corporate tax

revenue, received under a reformed tax structure, for direct public investment in secondary manufacturing which has for so long been ignored by the resource extraction industries, especially in northern Ontario. The government should direct and control growth in various sectors of our economy to rationalize and stimulate expansion and employment.

I hope I have convinced the Conservatives, such as the Treasurer and his colleagues, as well as the Keynesians who may be in this House, to reconsider their approaches to our economic problems. Short-term solutions such as the cutbacks in balancing the budget, which cause losses in services and jobs and increased hardships to the victims of economic recession, and also tax cuts in government spending, are inadequate. Both of these approaches are just simply inadequate.

The priority of the government must be a planned and controlled economic diversification to provide expansion and long-term jobs. We must develop secondary manufacturing for northern Ontario and the province in general. Places like Blind River, Thessalon and Iron Bridge along the north shore should be able to make use of the wood wastes that are in the area for the development of such things as a methanol plant.

Even in the more prosperous communities of my riding such as Wawa we must develop secondary industry. If we remain dependent simply on iron ore, then in the long run we are going to be in trouble. We must have a diversified economy, one that is dependent on secondary industries which are labour intensive to provide the job opportunities we need. If this isn't done we will continue to face the tremendous economic problems we have faced for so long—

Mr. Foulds: As long as this government has existed.

Mr. Wildman: —and the long-term unemployment and inflationary problems that we have faced in this province will continue. For those reasons I cannot support the budget that was introduced in which the Treasurer aims at balancing the budget, nor can I support the opposing proposals that we should do the opposite, simply because it would only be a short-term solution. We need long-term solutions, and I implore the government to see the error of its ways.

Mr. Hennessy: Mr. Speaker, may I take this opportunity of congratulating you on your appointment as Speaker. Being from the north, the same area as yourself and the member for Port Arthur, (Mr. Foulds) I can realize the importance of the appointment. I think you are the right man for the job and

will do an excellent job. I am very happy for you and very happy for the residents of Nipigon.

I would also like to take the opportunity of congratulating the member for Wilson Heights (Mr. Rotenberg) on his appointment. I am sure he will do a capable job.

I rise with pleasure to participate in the budget debate of this province, Representing the citizens of the great riding of Fort William, in their wisdom they have applauded the efforts of the Progressive Conservative government in the north by electing a government member to serve their continuing needs well into the future.

I want to touch on a few specifics first. I am happy to see that an adjustment has been made this fiscal year in the grant structure of the resource equalization grant. The standard has been raised from \$10,400 to \$10,650 to reflect the increase in the average per capita equalized assessment in the province. This will provide a moderate benefit to those northern municipalities with a relative assessment deficiency. In a time of restraint, any additional help is welcome indeed.

I am pleased with the government's policy regarding a northern Ontario special support grant. This special assistance to northern municipalities has been raised from 15 per cent to 18 per cent of net general dollar levies. Partial support under this grant has increased 39.6 per cent, from \$22.2 million in 1976 to \$31 million in 1977. I think the people of the north appreciate that restraint as it applies to them it has been handled fairly and not arbitrarily, as opposition critics would like to have people believe.

Unconditional grants for the north are receiving the strong and careful attention of this government as well. I can recall back in 1974 total unconditional grants amounted to about \$62 per capita in Thunder Bay. Today in 1977 those grants amount to about \$131, which is a hefty increase of over 111 per cent since 1974.

This is good news for the north and I want to point out that I am not using isolated examples, Terrace Bay township's unconditional grants have moved up 136 per cent since 1974. Neebing township's moved up almost 670 per cent. Throughout the district of Thunder Bay the government of Ontario—

Mr. Haggerty: Must be regional government in that area.

Mr. Hennessy: —has provided support where it has been needed.

That was the good news. The bad news is that people of the north are a far cry

from any sort of parity with the people of the south.

I look in the 1977 budget and see that the motor vehicle registration fees are now lower—and the north won't argue against that. I would like to add that I am attempting to have the government include half ton and van trucks in that lower category.

Mr. Eakins: Take them all.

Mr. Hennessy: But that kind of thing only scratches the surface. The people of the north pay sales tax on base prices which are higher than in the south, so we suffer there. We seem to lose both ways on transportation of goods to and from the north—

Mr. Foulds: You have been reading my speeches.

Mr. Hennessy: —and although I am told that transportation subsidies are not necessarily the answer, I would say that the north doesn't care what the answer is as long as it provides a solution.

For too long the north has been looked upon as a supplier of raw resources to fuel the economy of the south. I say that kind of thinking has just got to change. We cannot continue to deplete the north's resources, particularly our young people. Instead I want to see this province truly recognize the unique and separate value of this important frontier.

Mistakes were made in the urbanization of southern Ontario and a lot of unnecessary transportation, environmental and social problems, not to mention economic problems, arose over the years as a result. We want to extract what is best from the south's experience and avoid the rest. We want to plan our future in a way that provides for the orderly development of opportunities for our children. All we are asking for at this time is a little understanding from the government.

I know some of the members in this House who have been here a little longer than myself were instrumental in establishing the Ministry of Northern Affairs, and I think this has been a great step forward in the right direction, but to be honest it isn't going to be enough by a long shot. So long as its only real mandate is to integrate existing government activities under one roof, what we really need is recognition that the north and south are as different as oil and vinegar. We can't export southern strategies to northern Ontario and hope to achieve any lasting solutions.

If there is one thing to the national unity debate it's teaching all of us that Canadians come in all shapes and sizes. They've all got

different needs and rather than fit them into one mould we've got to take them as we find them. While I think there is a lesson there for Ontario itself, I think that the provincial government must understand better than it has in the past that the north is not simply an extension of the south, and that we will always resist any attempt to conform to southern expectations.

If I could return to the good news for a moment, I would like to say there are many areas of grievance between north and south. We like the government's spending restraint program. We like keeping as much of our pay cheques as we can. Perhaps it is because people in the north are a little more independent. I'm sure they like deciding for themselves how to spend their own money, rather than have the government spend it for them. Maybe that's why I'm on this side of the House and not in the ranks of the opposition. At any rate I admit we're going to have our economic problems. It's not going to get any easier in the future, but I think that northerners understand that government is doing the best it can. I think members in this House should understand that northerners are a tough, proud breed of people. They can take care of themselves when the going gets rough and they've been in tougher economic times than these.

I won't be able to change the government's attitude overnight, but that's all right with me. As a northerner, I'll keep trying. Thank you for your attention.

Mr. Nixon: That would have sounded better from this side.

Mr. Eakins: Are you an independent?

Mr. Nixon: You'll never get out of the back row.

Mr. Havrot: If it wasn't for us, you wouldn't be there, in the opposition.

Mr. Foulds: What does that mean?

Mr. Conway: Like the preceding members and participants in this debate, I too would like to take this opportunity to congratulate the member for Wilson Heights (Mr. Rotenberg) on his selection as Deputy Chairman of the committee of the whole House. In a similar vein, I would like to join with members of all parties in congratulating the member for Nipigon (Mr. Stokes) on his elevation to the position of Speaker of this assembly. Like my leader, I feel obligated to congratulate the Premier (Mr. Davis) for the courage he has demonstrated in that particular process of nomination. As a member of this party, I would also be remiss if I did not extend congratulations as well to our good friend the member for Perth (Mr. Edighoffer)

who will be serving as the Deputy Speaker. I'm particularly pleased that the three gentlemen I refer to in that particular trimuvirate represent very well the obvious minority quality of this tri-partisan or three-party Legislature.

I would like to take this opportunity as it is the first formal opportunity provided to me following upon my re-election in June of this year to thank most heartily the electorate from the fair constituency of North Renfrew.

Mr. Foulds: A fair constituency and a poor member.

Mr. Conway: I appreciate to a not inconsiderable extent their confidence not only in my re-election but I might say I appreciate even more so the degree to which they expressed confidence in me on that occasion.

Mr. Wildman: Is Petawawa in your riding?

Mr. Foulds: It certainly postponed your post-graduate studies.

Mr. Conway: I would also like to say at this time I was privileged in 1977, in an electoral sense, to have participated in a campaign with two of the finest candidates, I suspect, that were to be seen in this province in this particular election campaign.

Hon. Mr. Grossman: The member for Renfrew South (Mr. Yakabuski) and who else?

Mr. Conway: I say in all sincerity that the Conservative and New Democratic candidates who contested that particular riding in 1977, as they did in 1975, set a particularly high standard that I like to think I maintained to a certain degree.

[9:30]

Mr. Warner: Keep working at it.

Mr. Conway: And I think that they should be publicly commended by me for the excellent and outstanding citizenship and campaigns they put forward.

Mr. Gregory: Tell us what went wrong.

Mr. Conway: Mr. Speaker, I was one of those people who was elected in 1975—

Mr. Wildman: It was a good year.

Mr. Conway: Not a bad class, if I might say so—with something less than an overwhelming mandate.

Mr. Warner: The people in your riding had a cruel sense of humour.

Mr. Conway: Certainly in the two years or the 20 months that constituted the 30th Parliament of Ontario, I like to think that it was an apprenticeship that provided me with an opportunity to say little and learn a lot.

Mr. Nixon: My colleague is not abandoning that, is he?

Mr. Conway: I want to say, and to assure my hon. colleagues, that I will continue in that vein, saying little and learning a lot.

Mr. Havrot: Too bad this isn't The Gong Show.

Mr. Foulds: Is the member sure he's got those in the right order?

Mr. Cassidy: If he said less, he might learn more.

Mr. Conway: And I want to say that I certainly look forward to a longer tenure in this 31st Parliament and hopefully as constructive a time as we witnessed, those of us who were privileged to be here in the last Parliament, as was the case during that tenure.

Mr. Wildman: The member is starting to sound like Fred Burr.

Mr. Conway: I really am glad to be back with so many familiar faces. That two-month abstinence, so to speak, in the spring and early summer, I guess it was, of this year, made me realize just what an august assembly this place really was.

Mr. Warner: The member should do something constructive and resign.

Mr. Conway: Mr. Speaker, I really would appreciate if you would ask the hon. member for Scarborough-Ellesmere to cease and desist from his unkindly attack.

Mr. Acting Speaker: I would ask the hon. member for Renfrew North to continue his speech and to ignore any other persons in the chamber.

Mr. Havrot: Does he want us to wipe his eyes and blow his nose?

Mr. Conway: I shall try to the very best of my ability, Mr. Speaker.

Hon. Mr. Grossman: We're doing the same to the member for Renfrew North.

Mr. Conway: The election of 1977, I think, should be noted—at least, I would like to make a few observations about the election and certainly about the budget that preceded that election call by some two weeks.

The government and the Premier were, I thought more than a little ill-advised in their precipitous decision, taken on that fine April evening of this past spring, in forcing upon a rather sophisticated electorate in Renfrew North and elsewhere an election which clearly they did not want and which, I think, produced a most salutary result in a number of respects.

Hon. Mr. Grossman: Thank you.

Mr. Kerrio: We'll qualify that. Just wait.

Mr. Nixon: Not quite salutary enough—but next time.

Hon. Mr. Grossman: It's always next time.

Mr. Wildman: It was all those Christmas cards, Sean.

Mr. Acting Speaker: Order, please. Would the speaker only continue?

Mr. Conway: The election campaign, like the budget which preceded it, I think highlighted in a very real and spectacular way the deep-seated, abject and all-too-apparent bankruptcy of the Ontario Progressive Conservative government.

Mr. Nixon: Precisely the way it struck me.

Hon. Mr. Grossman: Same old stuff.

Mr. Conway: I read with interest the quarterly statement of Ontario Finances, speaking about our present budgetary condition; and noting, as many other hon. members have, the rather interesting \$1,452-million deficit projected for this year.

Hon. Mr. Snow: What about the \$8 billion in Ottawa?

Mr. Kerrio: It condemns them in the same way that this government is—exactly.

And I don't take much pride in that either. What pride can the minister take in that?

Hon. Mr. Snow: They don't do anything—

Mr. Acting Speaker: Order, please. Will the members please allow the member for Renfrew North to continue?

Mr. Conway: That particular figure, I think, is an eloquent testament to the managerial capacities of this government.

I sat in the press room on Friday, April 29, listening to the hon. member for Brampton (Mr. Davis) trying to make a case for why it was the people of Ontario needed this election in such a desperate way. I was convinced on that occasion that the bankruptcy of his case then would be made only too clear to the majority of people in the province throughout the 37-day campaign, and I was more than a little gratified on the evening of June 9 to see that, in fact, that prediction was borne true.

My colleague from Victoria-Haliburton (Mr. Eakins) made, I think, an appropriate reference to some of the chicanery, some of the shenanigans, some of the politicking done by the Tory party during that campaign.

Mr. Warner: Despicable.

Mr. Nixon: Anything to save a remnant from Toronto.

Mr. Conway: It was, truly, as my hon. colleague from Brant-Oxford-Norfolk has just said, clearly, a limp-wristed effort to save what little could be saved.

Hon. Mr. Grossman: That's not our party.

Mr. Nixon: They were trying, really trying to win St. George.

Mr. Conway: Oh, the cross of St. George, indeed. But I want to say, Mr. Speaker, that the campaign produced what Irving Layton might have called on another occasion, at least from the government party, nothing but the never-ending nauseous craperoo that I feel is being typified in that notorious charter.

Mr. Nixon: Nauseous craperoo?

Mr. Lupusella: It was a social offence.

Mr. Conway: It makes me think back to that day in mid-May when I was quietly working the back concessions of North Renfrew when I, like people in Moonbeam and Armourdale, read about this famous Bramalea charter. It made me think of what the Tory plotters must have been thinking, because they were concerned about the bankruptcy of their philosophical offering, no doubt someone in the backrooms on Richmond Street said, "Something of a general principle must be offered to the electorate." I guess someone who is about as up to date as most of those Tories are these days was reading the speeches of George Drew.

My friend from Victoria-Haliburton says that those were the good days. In relative terms, as far as the Tory heritage and this province is concerned, I think he's very correct. Remember that great campaign of 1943. I remember it well. The Tories assaulted the electorate of Upper Canada with the famous 22-point charter offering social security from the cradle to the grave. All I could think about in May 1977 was that while George Drew had picked the Tories up at the cradle, Bill Davis had them at the brink of the grave. Do you know that prophecy or that feeling was, again I'd like to think, confirmed partially at least on the night of June 9.

Hon. Mr. Grossman: When we won seven more seats.

Mr. Eakins: But not your majority.

Mr. Conway: I note the hon. member for St. Andrew-St. Patrick says that they won seven more seats.

Mr. Warner: That's how you measure it.

Mr. Conway: I think I must say, having grown up and been educated in the educational system of the hon. member for Brampton—

Mr. Nixon: Another illiterate.

Mr. Conway: —I must say that the hon. member for St. Andrew-St. Patrick is correct. The government increased its vote or its number of seats—

Hon. Mr. Grossman: Both.

Mr. Conway: —not by seven as I recall but by six. It seems to me that at dissolution—

Mr. Nixon: Were you exaggerating again?

Interjections.

Mr. Conway: —the government's party had 52 members at dissolution and on June 9, or certainly after recounts, they had 58 seats.

I must admit that like many other people, I can understand the concern and the difficulty that the hon. member for St. Andrew-St. Patrick would have with that arithmetic, because it depends on how one looks upon the state of metamorphosis in which the honourable and former member for London North was at that particular time, but that's one political hitchhiker we don't have to worry about any more.

Hon. Mr. Grossman: It's the ones you have you have to worry about.

Mr. Conway: And I have got to say this in the presence of my good and honourable friend, the new member for London North (Mr. Van Horne)—a fine and very positive addition to our caucus—that next to the renewed confidence that the good burghers of North Renfrew expressed in me on that night of June 9, I don't think there was anything that gave me the pleasure that I received from the results from London North—

Hon. Mr. Grossman: Don't be vindictive.

Mr. Conway: —because I must say with all due respect, knowing as I know you do, Mr. Speaker, that you, unlike perhaps the member for Sault Ste. Marie (Mr. Rhodes) but like most of us, understand and appreciate what it is and what it means to be part of one, and essentially only one, political party.

Hon. Mr. Grossman: What about the member for St. George (Mrs. Campbell).

Mr. Conway: But I must say this, Mr. Speaker, that the kind of political manoeuvre that was typified by the former member for London North received, I think, its just deserts on the evening of June 9.

Mr. Gregory: What are you going to do when he crosses the floor?

Mr. Conway: I must say that as one private member I not only appreciate how it was the suffrages of London North were offered on June 9, but in a particular non-partisan sense the great qualitative judgement they made in electing to this assembly the present member for that constituency.

I must say that I was a little disappointed quite frankly, at the campaign offered not by the local Conservative association in my riding but by the "big blue machine."

Mr. Nixon: Not so big.

Mr. Conway: Not so big indeed, says the hon. member for Brant-Oxford-Norfolk. I was flattered to—

Hon. Mr. Grossman: Not so blue.

Mr. Conway: I sometimes wonder, given the recent cabinet appointments, from Scarborough Centre in particular, just what colour the hon. ministry will assume.

Mr. Gregory: Don't let him hear you say that.

Mr. Kerrio: You are bankrupt in those departments too.

Mr. Conway: But I must say I was genuinely flattered to read in one of the learned Toronto journals early in the campaign that I was a chicken out in the bush that was really going to be chopped off at the—

Mr. Nixon: Where?

Mr. Conway: On the 9th of June. So I watched with great interest—and I see the hon. member for Carleton East, and I must say that I know she shares with me this sense of flattery and interest in that particular campaign, because I remember reading about her riding in that—I think it was—

Ms. Gigantes: There are big, big differences. I would never refer to the electorate of Carleton East as “good burghers”.

Mr. Conway: There are. I would never ever dispute the fact that there are essential differences between the hon. member for Carleton East and the member for Renfrew North. I would be the last person to dispute her claim in that respect. But I was genuinely impressed to see that there was a 11-seat march to majority and that I and my riding were to be part of that march to Tory majority.

[9:45]

Mr. Wildman: So was Algoma.

Mr. Conway: I watched how the Tories campaigned in Renfrew county. I am happy to see the hon. member for Oakville here—the good Minister of Transportation and Communications (Mr. Snow).

Mr. Nixon: He is still buying his elections with that park.

Mr. Conway: The member for Brant-Oxford-Norfolk speaks about opening things and relates it to the member for Oakville. That's exactly the point I want to make, because we had—not in my riding, but certainly in my county—a major new highway that we were talking about for some months. We were waiting to see that blue ribbon stretched across Highway 17 in the southern portion of Renfrew South. We expected to see it clipped some time on or about June 2.

That ribbon could have been cut at any point, I suspect, from about September, 1976.

But the fact that the hon. member for Oakville and the party that he is a considerable part of found their way to the ribbon-cutting ceremony, not on June 2 or indeed at any point before June 9, but sometime on or about June 20—

Hon. Mr. Snow: It was June 29.

Mr. Conway: Thank you very much. June 29, I thought spoke eloquently about where the Tory party has fallen in terms of its genuine political capacities.

Mr. Ruston: Give it to 'em.

Mr. Nixon: They haven't had any sense there since George Gomme left.

Mr. Haggerty: Did you have an invitation?

Mr. Conway: The member for Erie asks, properly, did I have an invitation? I must say to my hon. colleague from Oakville, the sense of personal hurt that I did not receive one at that time runs, though silent, very deep. I thought after a while that I was going to be running and I expected on June 9 to see on the ballot when I walked into my humble polling booth in the east end of the fair city of Pembroke a ballot that represented the Conservative offering in the person of the Premier (Mr. Davis). Quite frankly, the man was in the riding more often, I sometimes like to think, than the principals in the local campaign. But he was outdone in that, I must say.

Mr. Ruston: He came out once to our place during the night.

Mr. Conway: I can appreciate why he would stay away from Essex county.

Mr. Wildman: The black flies.

Mr. Conway: I really can appreciate how the hon. member for Brampton would find cause and good reason to stay away from Essex county. I presume it was something of the same cause that kept him out of Timiskaming. But I must say he was not alone in his very considerable visitations to Renfrew North. The socialists, God forbid, were there not only as frequently but more so. In 1975, in the division of that year we had a remarkable and truly historical result that indicated that some 30 per cent of the hardworking, God-fearing population of that constituency found their way to a New Democratic ballot. That produced over the intervening 18 or 20 months an activity on behalf of the member for Ottawa Centre (Mr. Cassidy), and certainly the member for Scarborough West (Mr. Lewis), an interest and concern about Renfrew North the like of which we had never seen before, those

of us who have been active in the political activity of that particular area for so many years.

Ms. Gigantes: I have been going up there for years.

Mr. Laughren: To what is this relevant?

Mr. Conway: I must say that the New Democratic Party brought to the political debate in 1977 in north Renfrew a participation I certainly appreciated. I simply want to answer the question of the hon. member for Nickel Belt by saying that I expect fully, over the next weeks and months and certainly in the next election, to have the same level of activity and participation. They, like the Tories—and this is the point I want to make in that respect—found a county and a riding that, quite frankly, a vast majority of their party clearly did not know about prior to September 1975. That is the point to which I would direct the hon. member for Nickel Belt and anyone else who wonders about the relevance of that particular reference.

Mr. Nixon: They should pay Evelyn to go up there.

Mr. Wildman: He's a good candidate, though.

Ms. Gigantes: I've been going up there for years. He is so young, though, he wouldn't know.

Mr. Acting Speaker: I would ask the member for Renfrew North to continue and to ignore any comments from his left.

Mr. Laughren: Good ruling.

Mr. Conway: The hon. member for Armourdale (Mr. McCaffrey), who I see is here and active tonight—I often wonder just how it was, within the context of our politics and our public discussion, his predecessor left our midst, but I'll leave that to the memoirs of the hon. and present member—maybe, for St. Andrew-St. Patrick, who might know more than the hon. and present member for Armourdale.

The opening speaker tonight started off the budget debate with a very interesting discussion on matters economic and, latterly, matters political, as they relate primarily to the role that Ontario has to play within the national economy and within the national politics. I think that's an appropriate beginning for anyone in this assembly—

Mr. Wildman: Especially when he's talking about the budget.

Mr. Conway: —and I commend the hon. member's choice of topic. But I do not accept, nor can I approve of, the argument that he attempted to make in that connection, because for a period of some 30 minutes

those of us who had the willingness and the indulgence to do so, listened to what has become a plaintive call and perpetual cry of the Ontario Tories, and that is, "It's Ottawa's fault, it's Ottawa's jurisdiction."

Mr. Laughren: A pox on both their houses.

Mr. Conway: The hon. member for Armourdale, like the speaker we had this afternoon from that fine area of Carleton-Grenville (Mr. Sterling), brought about as acidic a tone to that discussion of federal-provincial relations as I can imagine. I realize in my advancing years that the hon. members for Armourdale and Carleton-Grenville are freshmen. They are beginning what may or may not be long careers in this assembly.

Mr. Wildman: You're just fresh.

Mr. Conway: But I suggest that they adopt a stance that is slightly, if possible, less partisan and hopefully more general and constructive.

Mr. Wildman: Like you, eh, Sean?

Mr. Conway: The hon. member for Algoma says "like you" and I concur wholeheartedly.

Mr. Warner: Sean, you have driven all but five out of the House.

Mr. Conway: Mr. Speaker, it seems to me that the campaigns of 1977 and 1975 have really turned, as far as the Conservatives are concerned, on this question of Ottawa-bashing. By a peculiar perversion of Tory logic they seek to paint those hon. members in this great party as part of that Ottawa government scene.

Hon. Mr. Grossman: What are you so worried about? Stand up and be counted.

Mr. Wildman: How could they do that?

Mr. Conway: And the member for Algoma says, most appropriately, "How can they do that?" Do I accuse the hon. member for Oakville for giving this province a Bricklin? Do I ascribe to the hon. member for St. Andrew-St. Patrick the accusations of the new Premier of Manitoba?

Hon. Mr. Grossman: I don't mind. You take Trudeau, I'll take Lyon.

Mr. Conway: Worse still, do I ascribe to the truly hon. member for Oxford the wily machinations of the federal member for Prince Albert? Worse still, do I ascribe to him the attitudes of that august gentleman's memoirs?

Hon. Mr. Grossman: We stick with our party.

Mr. Conway: Not at all, because like all provincial Ontario Grits my logic is pure and relevant.

Mr. Nixon: And impeccable.

Hon. Mr. Grossman: Remember that helicopter.

Mr. Conway: I just want to say to the hon. members, particularly for Armourdale and Carleton-Grenville, that it is not worthy of them to confuse an important debate by this irrelevant and quite frankly irrelevant sidetrack vis-à-vis this party and a certain government party somewhere not too far from here in the Ottawa Valley, which I know so well—

Hon. Mr. Grossman: Which one was that?

Mr. Conway: —if for no other reason than within the context of this important, never-ending debate on national unity—

Hon. Mr. Grossman: You don't want to be painted with Trudeau.

Mr. Conway: —it does not behove any of us to grind attention that is natural any more aggressively than is natural. I want the hon. members of that party to read the Treasurer's speech as recently as Friday or Saturday last, because the hon. member for Chatham-Kent—

Mr. Laughren: You are a sadist.

Mr. Conway: —knows what a compatible federalism is all about. He says, and I quote him on that occasion, "Back in Ottawa is one of our great national pastimes." I must say to the hon. members opposite that the constructive politics we are going to need in the next generation are going to require much more than the kind of Ottawa-bashing that seems to be the clarion call of the Conservative Party in this province.

Hon. Mr. Grossman: You have been bashing them. You have been running away from them.

Ms. Gigantes: When are you going to grow up?

Mr. Kerrio: You can't boast about Joe McTeer. You are stuck there.

Hon. Mr. Grossman: I am not hiding from him.

Mr. Conway: Two comments I would like to make this evening relate specifically to the area I have the pleasure to represent indeed the region from which I come. I'm pleased to see the hon. member for Oxford here because the first of these deals specifically with his ministry. I relate this to the general budgetary policy as it must necessarily impinge upon the whole matter of job creation in this province. I certainly see job creation as the fundamental crisis we face, not only in this jurisdiction but within others in this federalism over the next few years.

Nowhere is the government's record more bankrupt in that particular respect than in

the specific regard to which my hon. colleague from Huron-Bruce (Mr. Gaunt) raised, I believe it was on Monday of this week. There is not a commitment that is greater or more important in terms of the economy of this province than Hydro and, in particular, Hydro's nuclear power commitment over the next generation. Quite apart from any discussion that we might like to have at this point about who is and who is not—in the words of my hon. friend from Nickel Belt—pro-nuclear, what is important in this context is the job opportunities that will necessarily flow from that nuclear power program.

[10:00]

Mr. Warner: Jobs at any cost.

Ms. Gigantes: Anything, anything.

Mr. Conway: Mr. Speaker, members of this party, and in particular the hon. member for Huron-Bruce and members from that particular western Ontario region, have been made acutely aware of the fact that Ontario Hydro continues in this age of very high and significant unemployment—

Mr. Laughren: No fault of the feds, of course.

Mr. Conway: —to import, wholesale, considerable numbers of nuclear operators.

Mr. Laughren: That is getting right to the heart of it.

Mr. Conway: It was 14 or 15 years ago that this government and that party opted for a nuclear power program. Surely Ontario Hydro in particular, and the Ontario government in general, appreciated if not immediately then hopefully within a short period of time, the responsibility they would have to train those thousands of people who would be required to man and to supervise that very massive nuclear power program.

Yet we are told as late as Monday or Tuesday of this week that Ontario Hydro has apparently not once gone to other ministries, particularly Education and latterly Colleges and Universities, and said, "This is our requirement. These are the opportunities for young Ontario graduates in a technical field, not by the hundreds but literally by the thousands, that we will require for the next decade, the next generation. Here is a commitment of dollars that we have in our development program. Give it to a particular institution or a series of institutions and have them develop an indigenous nuclear training program."

I do not think that that is too much to expect from a government with total jurisdiction in that particular field. I do not think that is too much to expect of this govern-

ment in 1974 or 1975 when its commitment to the nuclear power program was stepped up to a very considerable extent.

What do we have at this time when our colleges and universities are coughing out great numbers and are producing thousands of young Ontario graduates who want work, who are particularly able to find and to want employment in that particular sector of the economy?

Hon. Mr. Parrott: And who are getting work. And who are getting work.

Mr. Conway: What is the Minister of Colleges and Universities, what is the minister responsible for energy, what is the Treasurer and what is the Premier telling us? That no, we have not got programs today because we have not had sufficient lead time.

Mr. Warner: The government knew about it two years ago.

Mr. Conway: We do not have in this province a commitment from that government to youth employment in Ontario today.

Mr. Laughren: Give us your program, Sean.

Mr. Conway: My program quite simply in that respect—

Mr. Laughren: I am sure it will be.

Mr. Conway: —is a full-scale development within Ontario colleges and universities of a technical program that will produce an indigenous nuclear training program. I know the hon. member for Nickel Belt has opinions on that topic and I will wait with great interest to hear his constructive solutions about a matter that falls directly within and under the purview of that government.

Mr. Swart: You should have heard it first. It would beef up your speech.

Ms. Gigantes: How many jobs?

Mr. Conway: The hon. member for Carleton East says, "How many jobs?"

Ms. Gigantes: One hundred? Two hundred?

Mr. Conway: If the hon. members to my left would do their homework in that respect they would know that the jobs are not in the tens and not in the hundreds. Surprisingly, the socialists, who are so often hyperbolic, so often exaggerative in their claims—

Mr. Wildman: That is the pot calling the kettle black.

Mr. Conway: —are for this one occasion—and I know, Mr. Speaker, that you have wrestled with their economic hyperbole for, lo, these many years. You can appreciate, perhaps more keenly than anyone in this assembly tonight, just how ridiculous their prophecies and their projections can be. But I want to tell the hon. member for Carleton

East and the hon. member for Nickel Belt that the jobs involved in this respect are not in the tens and not in the hundreds but they are quite frankly in the thousands. They are not only in the thousands but they are particularly good and lucrative jobs which, because of that ministry, because of that government, are being denied to Ontarians today and are being offered freely to an imported group of professionals—which, quite frankly, without wanting to sound xenophobic, we are glad to have in some respects, but I don't think we'll be accused of being unduly nativistic if I say "Ontario first" in that particular respect.

I said earlier that I wanted to demonstrate in one particular respect the bankruptcy in terms of jobs that this government is responsible for, not only in 1977, but indeed, almost over the past generation. The answers given on Monday or Tuesday in this assembly by my honourable and good friend from Oxford do simply not give satisfaction to that particular and very significant concern.

Hon. Mr. Parrott: Wait until next Tuesday. We may listen to your words and you may eat them.

Mr. Kerrio: Are you planning a flip-flop?

Hon. Mr. Parrott: No.

Mr. Kerrio: You should.

Mr. Conway: The hon. member for Oxford asks me to wait. Those of us who have had the pleasure and privilege of being on this side of the House are more than a little disposed and, indeed, almost conditioned, to waiting for the government in Ontario, because it has been a long wait since June 9, to see even the earliest realization of their Bramalea charter.

I expect it to be a frosty Friday in July—in Pembroke, I might add—before I receive a satisfactory answer, not only on that question but on most of the charter, from that particular government.

Mr. Davidson: Are you going to build a nuclear plant there?

Mr. Wildman: He has got one.

Ms. Gigantes: He has got two.

Mr. Conway: The lamentable ignorance of my good friends from the left on matters economic in north Renfrew disturbs me, because so many of them—

Ms. Gigantes: We know it is not full of "good burghers"; let's put it that way.

Mr. Conway: —so many of them found their way willy nilly into that constituency from September, 1975, through to 1977, that

I am really and truly surprised—particularly that my good friend the honourable and distinguished member for Carleton East shows such a regrettable lack of understanding for a constituency that I have tried to educate her about on a number of occasions.

Mr. Laughren: Go back to your notes.

Mr. Swart: That is where the fault lies.

Mr. Conway: I suppose that the fact that the New Democratic Party—a fine outfit; we need a socialist rump in this province, we want a socialist rump in the province, and we've got a socialist rump in this province. I expect that now that they have got more time to understand the real problems, the real aspirations of eastern Ontario, that their ignorance in those matters will decline commensurately.

Mr. B. Newman: You've got the minister upset. He's pretty anxious for you to stop.

Ms. Gigantes: You didn't understand a word he said. How can you clap?

Mr. Warner: There is a bus leaving for Renfrew, maybe you should be under it.

Mr. B. Newman: You must be getting to him.

Mr. Conway: As a bachelor of long standing, not to be loved but to be honoured—

Hon. Mr. Grossman: Or, (d), None of the above.

Mr. Conway: Let the scoreboard show one for the hon. member for St. Andrew-St. Patrick.

Hon. Mr. Grossman: Who deserves something for sitting here.

Mr. Kerrio: It's about time. He's been dribbling around all night.

Mr. Conway: As an eastern Ontarian, Mr. Speaker, with humble background and even humbler aspirations, I want to conclude my remarks tonight—

Mr. Nixon: Oh, no. Oh, not yet.

Mr. Warner: By resigning.

Mr. Conway: —by speaking about something that I think flows, tangentially at least, from the budgetary statement and policy. Speaking of the Treasurer, the hon. member for Chatham-Kent, did anybody read The Financial Post piece about what makes the mighty Darcy run? If you haven't, do read it, because I think as an aside it's really something that should be appended to the next budget.

Mr. Warner: That's true. We're all in debt to him.

Mr. Conway: In the fall of 1974 while I was very happily ensconced in my studies at a great institution in eastern Ontario—and

I must say, Mr. Speaker, I notice that the latest entrant into the socialist horde and leadership contest is in fact a graduate of that fine body—but I was impressed on that occasion in 1974 by a commitment that was entered into by the government of the day, then as now, relating to what was described by at least two ministers as the showcase of future industrial development in my beloved eastern Ontario.

Ms. Gigantes: It's not yours.

Mr. Wildman: Who gave it to you?

Mr. Conway: The hon. member for Carleton East says it is not mine.

Ms. Gigantes: It is not

Mr. Conway: I speak only in a most general way.

Mr. Warner: The king of the valley.

Mr. Conway: I direct my concluding commentary to what is known by now as the Edwardsburgh matter.

Mr. Laughren: King Billy of Renfrew.

Mr. Wildman: The friendly giant.

Mr. Conway: There has been a reference from the hon. member for Nickel Belt about King Billy from Renfrew. That disturbs me. I must confide in you, Mr. Speaker, a very silent and almost partisan thought. He speaks of King Billy. I read that the hon. member for Lake Nipigon (Mr. Stokes) had been elevated to this distinguished chair. I read next the hon. member for Scarborough Centre (Mr. Drea) was elevated to the cabinet. I am concerned that the Knights of Columbus will be running this place within the month and a King Billy from Renfrew, you might not only need but would happily accept.

In late 1974 there was a considerable rumble in eastern Ontario about this great panacea that the Tories were going to offer. The ministry was going to offer, to our region, a showcase for the future industrial development of eastern Ontario, and that was going to be the 10,000-acre industrial park at Edwardsburgh in south Grenville county. There were some things about that decision that really speak eloquently about the Tories' commitment, not only to Grenville county—and I recommend Howard Ferguson's biography because I think that's the last good Tory thing that ever happened to Grenville county, quite apparent by one of the speeches this afternoon. That decision was entered into a few weeks after the Minister of Industry and Tourism, the hon. member for Ottawa South (Mr. Bennett)—unfortunately, not with us these days—was asked to comment about such an assembly in that part of his area. I want to quote very briefly some of what that distinguished gentleman

had to say before the announcement was made in respect of the Edwardsburgh land assembly—the assembly that was to be, and I quote, “the showcase for Tory eastern development industrial.”

Mr. Swart: What was the final point?

Mr. Deans: Do you happen to have a spare copy? I'd like to read it.

Mr. Kerrio: You had to be there.

Mr. Conway: The member for Wentworth asks about a spare something-or-other. I will not pick him up on that.

[10:15]

Mr. Deans: I asked the hon. member if he had a spare copy. I'd like to take a look at it.

Mr. Kerrio: He could use some help in his leadership fight.

Mr. Conway: What did the member for Ottawa South and the Minister of Industry and Tourism say? He is the man in the ministry in whose charge the development of that showcase would quickly reside. What did the member for Ottawa South say? I quote: “We'd be completely off our nut to build a new industrial park there. Whoever is assembling the land won't get any encouragement from me”—not that it mattered then or now,—and it is extremely difficult to believe that the Ontario government can justify such a purchase.”

Mr. Laughren: Stop maligning Ontario's junior achiever.

Mr. Conway: Not only did we find that the prophecies offered by the prophetic Minister of Industry and Tourism came to pass, but the policy formation and the public—or private, as it turned out to be—policy discussion that gave us Edwardsburgh is a very symbolic and instructive indication of how this government plans, particularly for eastern Ontario, but also, as we have seen in Edwardsburgh, South Cayuga, North Pickering and a few other selected areas, how it plans for the rest of Ontario. Not one eastern Ontario minister was part, in late 1974 or certainly early 1975, of the cabinet committee on policy and priorities that hatched this famous scheme.

Mr. Deans: Why is the member shouting at him?

Mr. Warner: He's scaring them all out.

Mr. Conway: So much for the status of eastern Ontario Toryism within that executive council.

Mr. Warner: The member has won—they've all left.

Mr. Conway: So much for the contributions of the previous member for Carleton-Grenville and the member for Ottawa South, that this important decision could be entered into without their edvice and without their comment. The decision was announced on January 28 after the government had flown, at great public expense, a veritable army of eastern Ontario municipal officials, none of whom—

Mr. Warner: Oh, the member knows about armies?

Mr. Conway: The hon. member for Scarborough-Ellesmere says, “Do I know about armies?” I certainly know about armies. And if the hon. member for Scarborough-Ellesmere has something to say against Canadian Forces Base Petawawa, let him stand on his haunches and tell us now what his complaint is about Canada's armed forces.

Mr. Warner: Is the member offering me the floor?

Mr. Conway: The floor is where the hon. member belongs in that respect.

Mr. Kerrio: Lie down.

Mr. Conway: Mr. Speaker, I want to say to you that the Edwardsburgh decision was announced to those municipal officials by the benevolent dictator from Chatham-Kent after the fact, as always.

Mr. Wildman: The member is getting hoarse.

Mr. Conway: Rather, I might say to the hon. member for Algoma, being hoarse than being something else of a horse.

An hon. member: That's pretty weak.

Mr. Conway: It is weak. I must say that was uncalled for.

Interjections.

Mr. Speaker: The hon. member will just continue to ignore them. I am.

Mr. Conway: I want to say that the Edwardsburgh decision was entered into before eastern Ontario had any opportunity to discuss its economic future within the context of Ontario's regressive Conservatism. It was only after the former member for London South, who headed a select group, had made his decision about what he thought was good for eastern Ontario, that those municipal officials were brought here and made privy to that information. I must say I have not noticed any airlift lately to bring that same representation of eastern Ontario municipal officialdom to this Queen's Park of ours to discuss—

Mr. Deans: Of theirs.

Mr. Conway: Of ours, Mr. Speaker.

There has been no consultation, I regret to report. Not even the hon. member for Carleton-Grenville has been taken into the high councils of the government in this respect. Now we are told in the recent report of the Ontario Land Corporation that this Louisbourg of the 20th century for eastern Ontario is going to sink into oblivion. This great promise, this great—

Mr. Swart: Why don't you stand on it?

Mr. Conway: —showcase for eastern Ontario's industrial development is going to be allowed to disappear and collapse—not quite, I must say. The hon. Treasurer and others have said to me and my colleagues from eastern Ontario—I am sure the members for Cornwall (Mr. Samis) and Carleton East (Ms. Gigantes) know about this—

Interjection.

Mr. Conway: —that we are going to be offered something. Tentatively, it has been suggested that instead of, or maybe in place of, the showcase that the Premier and others promised two and a half years ago by way of a major industrial park for the Edwardsburgh region, the new showcase will be an experimental farm. Pardon me if it's unkind to suggest it, but those of us in eastern Ontario who do not have such a closely invested interest in the high councils of Toryism have come to conclude, not only on present evidence but on the past record, that it seems to be a first order commitment of the Tories in this province to turn all of eastern Ontario into an experimental farm. That is simply not good enough.

Mr. Wildman: An industrial wasteland.

Mr. Conway: I think it is incumbent upon the Treasurer as the senior planner of this province—

Mr. Deans: God help the province.

Mr. Conway: —and God help or, perhaps, God spare the province. It is incumbent upon that minister and his colleagues to do, quite frankly, as the hon. member for Carleton-Grenville has wisely suggested, to release those reports which not only gave rise to the assem-

bly of land in that area of two-three years ago, but also to make public the Dillon report which deals with its disposition, or at least some of the alternatives, because as it presently stands the Edwardsburgh fiasco is a very relevant, very significant indictment of this particular government's commitment—or obvious lack of it—to eastern Ontario. If ever one could, from a political and economic point of view, charge that ministry and that government with a complete bankruptcy, it has to be over the Edwardsburgh proposal, not only in its conception, not only in its bungled execution, but now in its apparent collapse.

I want to conclude tonight by simply telling you that it is going to be watched very carefully by all of us in eastern Ontario. I don't think anything was more apparent in the last election—they tell me that even in Carleton East the regional alienation helped elect a sometimes not easily electable party.

The sense of regional alienation that eastern Ontario has come to feel, to appreciate and to articulate is far more serious than those syrupy nostrums poured forth by the hon. members for Fort William and Armourdale tonight. It has got to be addressed, not by failures like Edwardsburgh but by genuine accomplishment which we in this assembly and which we in this party are certainly here to make materialize.

Mr. Speaker: The hon. member for Nickel Belt.

Mr. Laughren: Thank you, Mr. Speaker. I shall attempt to follow that act.

Mr. Speaker: If the hon. member would wish to adjourn the debate.

Mr. Laughren: Yes, I could do that.

Mr. Speaker: You have about two and a half minutes if you wish to make a short statement. That's your prerogative.

Mr. Laughren: No, the topic on which I want to speak involves some very serious problems in the north and I would prefer to have a longer period of time, thank you.

On motion by Mr. Laughren the debate was adjourned.

On motion by Hon. Mr. Crossman, the House adjourned at 10:25 p.m.

CONTENTS

Thursday, October 20, 1977

Budget debate, continued, Mr. McCaffrey, Mr. Ruston, Mr. Wildman, Mr. Hennessy, Mr. Conway	979
Motion to adjourn debate, Mr. Laughren, agreed to	1003
Motion to adjourn, Mr. Grossman, agreed to	1003

SPEAKERS IN THIS ISSUE

Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Davidson, M. (Cambridge NDP)
 Deans, I. (Wentworth NDP)
 Eakins, J. (Victoria-Haliburton L)
 Foulds, J. F. (Port Arthur NDP)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carleton East NDP)
 Gregory, M. E. C., (Mississauga East PC)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Haggerty, R. (Erie L)
 Havrot, E. (Timiskaming PC)
 Hennessy, M. (Fort William PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lupusella, A. (Dovercourt NDP)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 Mancini, R. (Essex South L)
 Martel, E. W. (Sudbury East NDP)
 McCaffrey, B. (Armourdale PC)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Rotenberg, D.; Acting Speaker (Wilson Heights PC)
 Ruston, R. F. (Essex North L)
 Sargent, E. (Grey-Bruce L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Wildman, B. (Algoma NDP)



No. 27

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Speaker: Honourable John E. Stokes
Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

FRIDAY, OCTOBER 21, 1977

The House met at 10 a.m.

Prayers.

STATEMENTS BY THE MINISTRY

DUMP TRUCK LICENSING

Hon. Mr. Snow: Mr. Speaker, on July 12 last, I advised this House that I had reservations about implementing a moratorium on the issuance of class R—dump truck—public commercial vehicle licences for a period of one year across Ontario.

This had been, it should be remembered, one of the recommendations of the select committee on the highway transportation of goods which tabled its report on April 29.

My concern at that time was for a moratorium's impact on the regional availability of such vehicles. I also indicated that the Ontario Highway Transport Board would continue to monitor the situation, that is, the availability of and the demand for dump truck services.

Today, I can tell you that a recent determination of the situation by both the OHTB and ministry staff, as well as the advice of the dump truck industry itself, indicates there is a very adequate supply of licensed dump trucks operating to meet demands for this service in most areas of the province.

As minister I do not have the statutory authority to declare a moratorium on licence issuing. Neither is there statutory authority to prevent any person from applying for a licence under the Public Commercial Vehicles Act. However, having discussed the matter with the chairman of the OHTB, we are now in agreement that because of the situation I have just outlined it would be in the best interests of both the dump truck industry and the shippers using their services to stabilize the supply at the existing number of licensed carriers, at least for the next few months.

Thus, to implement a kind of moratorium, the Ontario Highway Transport Board will apply a very thorough scrutiny of the need for additional services and, subject to the evidence submitted, it will attempt to restrict the granting of certificates of necessity and convenience, except in those cases of significant urgency. In such a case, the

board will issue only an appropriate temporary authority.

Later in this session I will introduce further legislation to deal with some of the more urgent of the select committee's recommendations and at that time I will provide a complete report on the progress my ministry is making in its review of the balance of the report's over 300 recommendations.

FEDERAL FISCAL STRATEGY

Hon. Mr. McKeough: Mr. Speaker, I would like to take this opportunity to make some comments on the Hon. Jean Chretien's mini-budget statement of last night.

Mr. Breaugh: It won't take long.

Hon. Mr. McKeough: The fiscal strategy announced by the Minister of Finance generally reflects the discussions he has had recently with provincial Treasurers. He has stated that there are three things holding back the Canadian economy: 1. Our markets abroad have not grown as fast as had been expected; 2. We are paying the penalty for letting our costs get out of line; 3. We have a confidence problem.

I would only add that costs, in my definition, include government expenditures, not, for example, just wages and salaries. Mr. Chretien believes, as I do, that progress will be slow, and that it will have to be earned through greater productivity and more realistic expectations. He has rejected massive short-term stimulation as a cure for Canada's economic ills and instead has opted for a fiscal policy which includes important selective measures to stimulate business investment, consumer spending and jobs.

The phased decontrol of prices and incomes commencing April 14, 1978, will provide a boost to confidence across all segments of the economy. I believe the lowering of the permissible increases in wages, salaries and dividends to six per cent in 1978 is appropriate under the circumstances.

Wage settlements for the third year of controls are coming in at close to six per cent on average, partially reflecting the fact that actual consumer price performance in the first year of controls was about two per cent below the AIP wage target, with no penalty

on the wage guideline in year two. Market forces in the private sector have brought about a more responsible attitude on both sides of the bargaining table and have effectively restrained settlements.

Furthermore, the depreciation of the Canadian dollar and increased energy prices of the past year represent real adjustments in relative costs of consumer goods that must be absorbed and not passed on. Depreciation has accounted for 1.5 to two percentage points on the consumer price index, and energy price increases another one to 1.5 percentage points over the past year. If these increases are not absorbed then we will never get out of the wage-cost cycle that confronts us.

With cash requirements of \$8.5 billion in 1977-78, and even greater requirements forecast for next year, the federal government has decided it cannot afford large-scale actions to stimulate the economy at this time. I agree.

The minister has announced no large increases in government spending which would be counterproductive. But \$150 million is being provided for direct job creation programs. In addition, the Minister of Finance has found the resources for a billion and a half dollars in personal income tax cuts—including the \$850 million cost of indexing—to stimulate consumption, as well as \$100 million for a new program of employment credits to create jobs.

Ontario has proposed a temporary and immediate cut in provincial retail sales taxes as well as the introduction of selective employment credits to boost spending and reduce unemployment. The federal actions parallel these suggestions in many respects.

First, the personal income tax is aimed at lower and middle-income earners. It is temporary and the bulk of the benefits will flow out in January and February of next year. This is normally a period of slower economic activity and the tax cut is designed to have its maximum impact early in the year. This personal income tax cut maximizes on the flexibility available within this delivery mechanism. However, it does not have as direct an impact on consumer spending as a retail sales tax reduction which could have taken place immediately.

Second, I would hope the federal employment credit program will be structured along the lines of the Ontario Youth Employment Program which was very successful in creating meaningful new job opportunities for Ontario's young people. I have already indicated that the proposals put forward by the Canadian Federation of Independent Businessmen are worthy of consideration.

In conclusion, I think it is a realistic statement. It will improve the confidence of business and consumers. The competitive advantage of our industries provided by the depreciation of the Canadian dollar should not be allowed to slip through our fingers. Relative Canadian costs have dropped 12 per cent against the United States and even more against Europe and Japan and this should not be lost to increased wages or reduced efforts to improve productivity. The statement, then, lays out an economic policy we can understand and that we must all build upon.

ACCURACY OF NEWS REPORT

Hon. Mr. Norton: Mr. Speaker, further to my point of personal privilege yesterday in the House, I would like to make a clarification of some of the comments that I made. You will recall my point of personal privilege related to the Canadian Press wire story which was brought to my attention during the course of the proceedings in the House, and which story had been based upon an interview conducted by Miss Barbara Yaffe of the Toronto Globe and Mail.

During the course of my remarks, the hon. member for Scarborough West indicated that the paragraph which I had just read into the record appeared in the article in the Globe and Mail that morning which I, admittedly, had not read. Later in my remarks there was clearly the implication in my remarks that Miss Yaffe was responsible for the misleading and offensive paragraph.

Mr. Lewis: Down on your knees.

Hon. Mr. Norton: Mr. Speaker, I would like at this time to apologize publicly to Miss Yaffe because shortly after leaving the House, I saw the article that she had written and which appeared in the Toronto Globe and Mail and which was really quite faithful to the content of our interview and it did not contain the offensive paragraph.

Mr. MacDonald: The moral of the story is better research.

Hon. B. Stephenson: He was misled by you.

Hon. Mr. Norton: So I do wish to apologize to Miss Yaffe and if there is a moral to this story, Mr. Speaker, I am sure it is that I really ought to adhere to your injunctions to ignore the interpretations of the hon. member for Scarborough West.

Mr. Havrot: A bad bunch over there.

ORAL QUESTIONS

QUEBEC LANGUAGE LEGISLATION

Mr. Breithaupt: Mr. Speaker, first of all a question to the Premier. As more than six

months has passed since the Premier's announcement that Ontario would prepare a detailed legal opinion on the constitutionality of the Quebec language legislation, can he tell the House what has happened to that opinion? Is it now ready and when will it be released?

Hon. Mr. Davis: Mr. Speaker, as I recall, I did inform the House that we were getting a legal opinion. I think, on the first bill that was proposed, I indicated to the House that there were some substantial amendments to the bill as it was finally passed by the assembly in Quebec, and as a result the opinion had to be assessed in light of the changes in that bill. I believe it is available. I will check over the weekend and if it is, have it for the members Monday or Tuesday.

[10:15]

Mr. Breithaupt: Can the Premier advise us if it will be his intention to urge the federal government to challenge the legislation as he indicated he would do if it was found to be *ultra vires*?

Hon. Mr. Davis: I would want to refresh my memory on the contents of the opinion and make some judgement then. I will be quite prepared to discuss this with the House leader and others when I present the opinion. Being a lawyer himself and, I am sure, being somewhat small "c" conservative, in his approach to the advice of clients in matters of this nature, he will understand that I myself would like to take a look at this before I made any, shall we say, speculative decision.

LOW-RENTAL HOUSING

Mr. Breithaupt: My second question is also to the Premier. Following the reported remarks of the Minister of Housing (Mr. Rhodes) to a Chamber of Commerce audience in Barrie last night, is the Premier aware that the minister was reported to have said that he would not be unhappy to see the Ontario Housing Corporation abolished and that the province should not be in the business of building or owning low-rental housing? If he is aware of that, can he advise us if that in fact is government policy?

Hon. Mr. Davis: I am aware of what the minister may have said in Barrie last evening. It is not the present policy of the government for the Ontario Housing Corporation to move out of the building or provision of housing. I think if the minister indicated that there are many situations where we feel that perhaps the private sector could do this as well —

Mr. Warner: Give it up.

Hon. Mr. Davis: — or even somewhat better, the minister may have made that philosophical observation. But there has been no decision by cabinet to move out of the activities of the corporation.

Mrs. Campbell: Supplementary, Mr. Speaker: In view of the Premier's remarks, could he then clarify for this House the fact that there is a move, apparently, to dismantle a portion at least of Ontario Housing, in that as I understand it, the package for Metropolitan Toronto is already in place, so that this portion may be transferred to Metropolitan Toronto? Could the Premier clarify that position?

Hon. Mr. Davis: By Monday I will either clarify it or have the minister clarify it. I assume what the hon. member for St. George is referring to is the possibility of having some municipalities assume a greater share of the responsibility for some of these projects. I will be delighted to get this information for the hon. member as early in the week as I can.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: I would like to address this question to the Premier; it may be more appropriately addressed to the Treasurer (Mr. McKeough). Could the government report on its discussions with Inco yesterday—where we stand, what the prospects are for a change in policy and any other particulars which may have flowed from the meeting?

Hon. Mr. Davis: I think that perhaps it would be wise, in that the House has determined—I think properly so—there should be a discussion of this at some length this morning, that during the course of that discussion those ministers who were involved will have some information to share with members of the House.

I believe the Minister of Labour (B. Stephenson) was meeting again with some of those affected as recently as 15 or 20 minutes ago. I am sure she will want to share certain aspects of those discussions with members of the House. I would only say, with respect, that perhaps during the debate that will be starting in a very few minutes, might be a more appropriate time to get into some of these issues.

Mr. Lewis: By way of supplementary, could I ask the Premier, regardless of the specifics which may emerge during the course of the debate, is there any lining in the cloud as a result of the discussions with Inco? Is there any reason to hope or to be-

lieve that the layoffs, as announced, may be curtailed?

Hon. Mr. Davis: In a matter of this nature and one which I regard as being of deep concern, certainly in the short term, as it relates to the Sudbury basin, I certainly don't want to mislead anyone or create any feeling of false optimism.

From my information as it relates to the activities of Inco—and here I am not getting into the potential that exists in certain mines that are not too far distant from the Sudbury basin that could offset some of the employment situation, because I think it would be premature to get into that type of discussion—I would say to the leader of the New Democratic Party that nothing in the discussions yesterday or any information I have alters the very serious difficulty in which Inco finds itself, nor have we seen anything that would indicate that the proposed layoffs in themselves will be altered.

The point I'd like to make—and I haven't had a chance to read Hansard of yesterday but I have read certain reports and watched certain reports late last evening—is that while I am personally very concerned, as we all are in this House as we feel very keenly the potential difficulties for a number of people in the Sudbury basin, on behalf of the government and very personally, I want to make it abundantly clear that I have total confidence in the ability of the people in Sudbury and the ability of the people in this province that, while it is a short-term problem, it does not in any way reflect on the capacity of that part of Ontario or this province or this country to remain very economically viable.

The nickel industry certainly will survive, Inco will survive, and, most importantly, Sudbury will survive.

Mr. Foulds: How about the workers?

Hon. Mr. Davis: And they will.

Mr. Lewis: Where will the jobs come from?

Hon. Mr. Davis: There will be some.

Mr. Speaker: Can we have order, please.

PLACEMENT OF RETARDED PERSONS

Mr. Lewis: I'd like to ask the Minister of Community and Social Services whether he has read the report in this morning's paper by a certain female reporter, the one and only Barbara Yaffe, relating to the problems of the placement of the retarded in Metropolitan Toronto.

Hon. Mr. Norton: Yes, I have.

Mr. Lewis: On the assumption that the quality and the content of the report are,

as always, unerringly accurate, can the minister perhaps comment on the charges that have been levelled at the ministry, by a number of social agencies involved, at its apparent inability to free money or to create places for very severely disabled retarded children and on the problems the families are having coping?

Hon. Mr. Norton: Yes, I'd be quite happy to. I don't think it is implied anywhere that there is a lack of funding available to provide the spaces. That certainly is not the nature of the problem that we have consistently been faced with.

The suggestion that there are fewer places in the community in Toronto than we would like to see, is true. There are in total numbers, to the best of my knowledge at this point, about 1,625 children and adults from the Toronto area who are presently residing in residential accommodation, in some cases larger residential accommodation and in many cases community accommodation, group home-type accommodation, across the province.

The unfortunate thing is that of those persons, something like 1,300 are residing in areas outside Metropolitan Toronto. As is suggested in the article by the representative or one of the spokespersons for the Metropolitan Toronto Association for the Mentally Retarded there have been a variety of problems, some of which, related to the location of accommodation within the community because of zoning problems and so on, we are trying to resolve and which Toronto is at present trying to resolve as well.

As was suggested by the same spokesperson, there are situations in which the mental retardation association itself has been a source of some of the problems. They make it clear that it is not entirely the fault of the ministry. We are continuing to try to work with them to resolve some of the differences that have developed.

There is reference there to the proposal to provide 150 spaces in the Metropolitan Toronto area, and the reference specifically is to the proposal in Etobicoke. I am currently waiting for a final report from the task force that was set up to communicate with the members of the public on the specifics of the development of either such a facility or those spaces within the community. The task force has now finished holding its hearings; there have been some 350 persons or groups who have made submissions to the committee. As soon as I have their report, and I am hoping that this will be within the next week or so, I will be in a position, having had that

input, to make a decision on the nature of the provision of those 150 additional spaces.

I must say I share the frustration of everyone else in terms of the rate at which we have been able to make progress. But it is not a question of the shortage of funds. That is not the problem.

Mr. Cassidy: Supplementary, Mr. Speaker: Will the minister not agree that the major reason for the delays in providing this accommodation in the Toronto area is the insistence of the ministry, despite the Williston report and the Welch white paper, on going ahead with a 150-bed institution in Etobicoke—despite the opposition of all the people involved in the Association for the Mentally Retarded across the province? Will he not agree that the association, at its last meeting in Niagara, categorically opposed that particular program in favour of increasing community care? If the ministry had gone along with that, then those places would be in Toronto now.

Hon. Mr. Norton: Mr. Speaker, there are a number of erroneous assumptions in the question the hon. member has just asked.

First of all, there has not been a decision to go ahead with a 150-bed facility as he suggests. The whole purpose of the task force, which I established during the summer, was to provide for consultation with interested parties within the community with respect to the kind of spaces that we provided—whether they would be in group homes or in a 150-bed facility. It was precisely because there had not been a decision and I wanted that kind of input that I established that task force.

The second erroneous assumption is that everyone involved was of one mind. That is precisely not the case. If you look in the article that appeared in this morning's newspaper, although the spokesperson made reference to 104 people who gave their opinions—in fact as I have indicated it is 325 persons who made submissions—she indicated that there was a 50-50 split in terms of submissions. I think that is just about how it has been breaking down.

I have had at least as much correspondence from persons involved with the mental retardation associations who are saying "Let's get on with it. We need those spaces. We need an intermediate-size facility in the Metropolitan Toronto area which can act as a core residence and provide ongoing services to children in the community." There is, I admit, a significant group, approximately 50 per cent of the persons involved, who feel quite strongly that it should not be that type

of facility at all, but should be entirely on the basis of provision of group home residential settings.

As I say, I hope I will soon, on the basis of the input we have had from my staff and from the people in the community, be able to make a decision and be in a position to proceed. But the member's assumption is not correct that the community is of one mind.

Mrs. Campbell: Mr. Speaker, in view of the answer given by the minister relating to the problem of zoning as part of the whole problem, what steps has the minister taken with cabinet to review the appeal to him by Mississauga in order to try to overcome the problem of zoning? Has he considered it? What status does it have?
[10:30]

Hon. Mr. Norton: Mr. Speaker, that matter is at present before cabinet. If not, it will be I presume this week. This will be the second such appeal that has come to cabinet, and I would hope that communities across this province would, after this decision, see the pattern and realize that there is a message there; if they don't, I will have to explore other alternatives.

Mr. Lewis: It won't work. The minister will have to bring in general legislation.

Hon. Mr. Norton: But I certainly hope they don't all propose to proceed by the same route, through the OMB and then appeal to cabinet. If that seems to be the pattern that is developing, I will certainly urge my colleagues to take quite definitive action to make it clear that we intend to proceed with the policy that we have enunciated with respect to community living.

Mr. Foulds: Supplementary: Is the minister giving us the assurance that the cabinet will make a favourable decision on behalf of the Association for the Mentally Retarded with regard to the Mississauga question?

Hon. Mr. Norton: I can only give assurance as to what my position is. That's public. I can't assure the hon. members precisely what my colleagues will decide. I must say that I would be very surprised if they didn't agree.

Mr. Speaker: The hon. member for Bellwoods with a final supplementary.

Mr. McClellan: If the pattern of opposition by resident and ratepayer groups to group home facilities continues, is the minister prepared to consider provincial legislation which would guarantee the right of community residents to special-need groups?

Hon. Mr. Norton: If that situation persists I would be prepared to consider any reason-

able alternative to ensure that the kind of roadblocks that are currently being thrown up don't continue.

Mr. Cassidy: Supplementary, Mr. Speaker?

Mr. Speaker: That was the final supplementary; we have had five supplementaries.

SHORTAGE OF WORKERS IN NANTICOKE AREA

Mr. Nixon: Mr. Speaker, if I may direct my question to the Minister of Labour, is she aware of the problems in the industrial area of Nanticoke where industries are attempting to build very large installations in time for their own purposes but find they cannot get sufficient trained pipefitters, steamfitters, and welders in some instances, and are being forced to import these specially trained people from the United States? Is the minister aware that at the present time about 200 of these pipefitters, steamfitters and welders have been brought in because it is not possible to find sufficiently trained people in our own jurisdiction?

Mr. Conway: I think that's government policy.

Hon. B. Stephenson: Mr. Speaker, I am not aware that it is not possible to find sufficiently trained people in our own jurisdiction. As a matter of fact, it is my understanding that we do have a sufficient number of well-trained people available within the province to do this. Unfortunately, under the terms of the agreement there is no solution to a problem which has arisen in that area other than to have the union support the concept of importing members of that union into Ontario to fill the jobs which are required for that construction.

I am sure it is something which should be able to be worked out between the union and the employer in that area. This is one of the ongoing problems we have had with this kind of difficulty, in the far western portion of southern Ontario, on a number of occasions. We have appealed to the Minister of Manpower and Immigration to limit or to stop the issuance of work permits for these people. We are informed that the appeals which he has received from both employers and unions would support the continued issue of such permits. It is a problem which we have been trying to solve but I would have to tell the hon. member that we have not been successful at this time. We have not forgotten it, however, I can tell him as well.

Mr. Nixon: Supplementary: I am glad to hear the minister has not forgotten about the

problem, because the real problem surely is that there have been inadequate training facilities to bring on these people to fill jobs that the government must surely have known would be vacant. Texaco has brought in 60 of these people; surely a pipefitter isn't that esoteric a profession? We have pipefitters, steamfitters, welders and even Treasurers who are sometimes redundant—

Hon. Mr. McKeough: Careful—careful.

Mr. Speaker: Do you have a question?

Mr. Nixon: Would the minister explain why it turns out to be the responsibility of the government of Canada for letting these people in, since according to Texaco they can't find them here? Surely this is a concern for the Minister of Labour and the Minister for Colleges and Universities (Mr. Parrott), who is not present.

Hon. B. Stephenson: Mr. Speaker, it is my understanding that throughout the remainder of the province of Ontario, there are a sufficient number of such trained people available to fill those jobs.

Mr. Nixon: Not for Bruce Hydro.

Hon. B. Stephenson: But they are unwilling to move to Nanticoke under the terms of the agreement that has been set up in order to work in that area. These are the problems which we are facing and which we are attempting to resolve. It is not a matter of lack of training nor a matter of lack of trained people within the province of Ontario.

Mr. G. I. Miller: Mr. Speaker, I wonder if the minister is aware that local 67 of the pipefitters and pipewelders' union has 285 apprentices, for whom they are seeking employment, and yet they have imported 60 and, I believe, there are still 200 jobs open for this type of employment? I also understand that Stelco are holding back contracts because of the fact that they can't find enough pipefitters. Would it not be possible with Fanshawe College so close in Port Dover, working with the Ministry of Colleges and Universities, to set up a crash program of training, to make sure that these young people do have an opportunity of getting jobs?

Hon. B. Stephenson: Mr. Speaker, it is my understanding that in the Sarnia region there are 600 trained individuals who are on permit who have not been able to find employment in southwestern Ontario. I am convinced that if some of those could be transferred to other areas or were willing to move to other areas, we could solve all of the problems in the construction industry. We have had a special officer investigating this specific problem and attempting to help us find a solution to it.

Mr. Sargent: Supplementary. Mr. Speaker, someone is awfully mixed up over there. The minister better get her act together with the Minister of Energy (Mr. J. A. Taylor) because the fact is—

Mr. Speaker: Can we have a question, please?

Mr. Sargent: Does she realize that Hydro is paying Lummus \$10,000 to train a welder in a three-month course? The minister is importing welders from Europe and she says there are 600 welders available in Sarnia. The minister is off base entirely. When she has Lummus being paid \$10,000 for a three-month course by Hydro to train welders, there is something awfully wrong someplace. She should talk to Jimmy about it and find out what's going on.

Hon. B. Stephenson: Mr. Speaker, I was trying to point out that I think there is something awfully wrong. That isn't the question which has been put on the other side of the House, however. The question is, "Should we ensure in some more direct way the mobility of the trained workers that we have in the province of Ontario?" Should we legislate that where there is a job available, they must go and fill it no matter what the union contract says? That is, of course, I think, an action which many members of this House would hesitate to support.

My concern is that we encourage those workers who are trained and who are available, but are at present not employed, to move to those areas.

Mr. Sargent: Your main concern is you don't know.

Hon. B. Stephenson: In answer to the question of the hon. member for Grey-Bruce, if he has any brilliant suggestions to help persuade them to move, I wish he'd give them to me.

Mr. Ruston: You've got lots of them.

Mr. Warner: You need all the help you can get.

Mr. Gaunt: Supplementary, Mr. Speaker: Would the minister be good enough to check that matter out again? With respect to the Douglas Point project, some six weeks ago they were looking for 200 pipefitters. Since Sarnia is within the same union jurisdiction area as Douglas Point and they still couldn't find those people and had to move out of the province in order to fulfil the need—and even at that didn't get the need fulfilled—would the minister reconfirm the figures which she gave earlier on?

Hon. B. Stephenson: Yes, Mr. Speaker.

ONTARIO ECONOMIC STRATEGY

Mr. Cassidy: A question of the Treasurer, Mr. Speaker: Recalling that the Treasurer promised in December to take supplementary action this fall if the economic situation called for it, and since the federal Minister of Finance has now seen fit to take supplementary actions in view of the worsening situation in the economy, does the government plan to take supplementary actions within Ontario's own jurisdiction in order to alleviate the unemployment crisis over the course of the winter?

Hon. Mr. McKeough: Not at this time, Mr. Speaker.

Mr. Cassidy: Is the Treasurer satisfied, then, that the actions taken by the federal government are adequate in order to resolve our unemployment and economic problems over the course of the winter?

Hon. Mr. McKeough: Perhaps the member wasn't here for my statement, but I indicated that in my view it was a realistic statement.

Mr. Kerrio: He's had a change of heart about the feds.

Mr. Cassidy: I asked whether it was an adequate program in order to alleviate our economic difficulties, in particular in view of recent announcements about further layoffs?

Mr. Warner: He's not going to do anything.

Hon. Mr. McKeough: As I indicated in the statement—I'd be glad to send a copy to the member—with cash requirements this year having gone from about \$6.5 billion to a projected \$8.5 billion, I thought the moves taken by the federal Minister of Finance last night were realistic and probably all that he could prudently do.

Mr. Peterson: Supplementary, Mr. Speaker: In view of the federal Finance Minister's announcement last night of a modest job tax credit plan, would the Treasurer consider some supplementary provincial effort coinciding with theirs to assist—through a mechanism which we on this side think is particularly creative—in a way that would solve some of this unemployment in the short run?

Hon. Mr. McKeough: Not at the moment. We may take that into consideration. We have, of course, as I said in the statement, run a very successful job program during the summer. I would anticipate that circumstances will dictate that we will want to do something similar next summer, and I'm not contemplating any action for this winter. I think the federal government has gone as far as it can afford to go; and I can't afford to go any further either.

PROPERTY TAXATION

Mr. Sweeney: A question to the Treasurer, **Mr. Speaker:** My question refers to the serious inequities in residential assessment in the city of Kitchener, of which he is familiar. Given the fact that officials of the Ministry of Revenue confirmed this past summer that up to \$640,000 of residential assessment is too high, and given that some of the taxpayers there are paying \$400 each in excess of what they should be paying, how can the Treasurer justify his position, set out last week in a letter to the municipality, that he would not support an assessment review or an assessment recount enabling those people to be more fairly assessed and more fairly taxed as of the tax year 1978?

Secondly, does the Treasurer not realize that his colleague, the Minister of Revenue (Mrs. Scrivener), is attempting to resolve this issue and the Treasurer's stand—in my perception, anyway—is making that almost impossible? These people are being dealt with unjustly. How does he justify his position?

Hon. Mr. McKeough: The Minister of Revenue, I believe, is meeting with some of the people—the representatives of the municipalities—this afternoon, and I'm hopeful that she can find solutions to these and other difficult problems.

How do I justify our position? I'm anxious to know, and I would think the hon. member would like to know, before any commitments are made, who the burden of taxation is to be shifted to.

Mr. Sweeney: Supplementary: When this question was addressed to the Treasurer a couple of weeks ago, he indicated that he was reluctant to do anything until province-wide market-value assessment was brought in. However, I hope he realizes that the difficulty is that this has been promised three times in this province—

Mr. Speaker: Question.

Mr. Sweeney: —it has been delayed three times. We have no way of knowing when it's coming in. The resolution is not in sight.

Mr. Speaker: There's been no question asked yet.

Mr. Sweeney: What I'm asking is, how does he expect us to be able to resolve the problem, given the recommendations that he has given through market-value assessment, when we have no way of knowing when it's going to be brought in and how long this inequity will continue?

Hon. Mr. McKeough: These are matters which, I am sure the hon. member knows, will be discussed in this House.

Mr. Conway: No wonder the Tories are doing so well in the Waterloo region. Jack Young will be almost extinct.

Interjections.

Mr. Davidson: Supplementary: Given the fact that these inequities exist throughout the entire Waterloo region, and given the fact that the city of Cambridge a year ago raised this matter and got rebates for some of the people in that area, and taking into account that the inequities in the Cambridge area alone range anywhere from 20 to 40 per cent above normal, does the Treasurer not feel that it's time he did something to relieve these people of the tax burden they're carrying?

[10:45]

Hon. Mr. McKeough: I'm anxious to see any taxpayer relieved of an inequitable tax burden. But before that decision is made, I would like to know and I think the hon. member would like to know who is going to pick up that tax burden.

ALLOWANCES FOR
HANDICAPPED CHILDREN

Mr. McClellan: I have a question of the Minister of Community and Social Services regarding the government's allowances for severely handicapped children. Given that the ministry staff has advised me that a considerable number of these special allowances granted through order in council have been for less than \$150, can the minister explain, in view of the miserable inadequacy of \$150 in relation either to home care or to institutional care which is 10 times higher, why they are giving these allowances at less than \$150 and how many of the orders in council granting allowances have been for less than \$150 a month?

Hon. Mr. Norton: First of all, perhaps I could respond to the general condemnation implied in the question that was asked.

Mr. McClellan: They are inadequate.

Hon. Mr. Norton: The \$150 allowance, however miserable it may be in the eyes of the hon. member, is the only such allowance at the present time that's available in this country. I would like him to know that at the recent conference in Alberta, there were a number of other provinces which were quite interested in the initiative that this government had taken in providing assistance to those persons who are meeting in many cases very costly special needs of children in their own homes.

Mr. Cassidy: You were forced to provide it.

Mr. Warner: Some crumbs are better than none at all.

Hon. Mr. Norton: I'm not prepared to sit back and accept that kind of shallow criticism of this program.

Mr. Warner: It's a great improvement from your predecessor.

Hon. Mr. Norton: I hope that the hon. member, if he is going to be a critic, will be more constructively critical of the program rather than making such ill-informed and inane comments.

Mr. McClellan: Inadequacy is inadequacy, no matter how you cut it.

Mr. Warner: You are a progressive Neanderthal.

Mr. Lewis: Do you know there is a petition for the return of the member for Prince Edward-Lennox (Mr. J. A. Taylor) to that portfolio?

Hon. Mr. Norton: Perhaps we should have that kind of relief in the Legislature once in a while.

Mr. Lewis: I would think so.

Mr. Conway: Bitter. You will never be Premier that way.

Mr. Breithaupt: I don't know.

Hon. Mr. Norton: With respect to the comments about the quantum, in terms of the sum being less than \$150, yes, that's true. I don't have a precise breakdown at this point as to the numbers that would be under \$150. I can assure the member that it is the minority.

The figures that I have on that breakdown are not current. They were current as of the early part of this month. They were running on a ratio of about one in six—the under \$150. The others, the majority by far, were at the maximum level. I will try to get updated figures on that kind of breakdown.

There have been to date 656 applications. Of those, about 546 have either been approved or are under review by the review committee. I believe of that figure 112 have not yet had a recommendation.

In total, there are about 110 where we discovered there was a problem because the application came from someone who was already receiving family benefits. The problem we encountered there was that we didn't want to have the \$150 calculated in other income. So there are now regulations which will, I expect, this week be approved by cabinet to exempt the \$150 from the calculation of other income.

Those persons then in that group of 110 will be going ahead immediately with retro-

active payment to the time of the application. The only holdup there was that under the current regulations without the change we ran into that problem which had not been anticipated in advance. Of the 656 applications in total, there are about 96 who have been found ineligible for a variety of reasons, in some cases because of the quantum of family income. In other cases the reasons might well vary.

Mr. McClellan: He is not answering the question, Mr. Speaker.

Hon. Mr. Norton: So that fewer than one in six have been rejected up to this point.

Mr. Foulds: Does this verbosity come as a result of inherited incapacity?

Hon. Mr. Norton: No, I am just trying to give information to the hon. member.

Mr. Speaker: I think the answer has been quite complete.

Hon. Mr. Norton: He has a supplementary after that?

Mr. Speaker: Does the member have a brief supplementary?

Mr. Lewis: Why should the supplementary be brief?

Mr. McClellan: Since the minister didn't answer the question, which was to explain why some were less than \$150, maybe he could give me a written answer to that and I will ask a supplementary, with respect. When does he intend to bring in legislation, as he promised on August 12, which would end the totally unsatisfactory practice of granting so far some 500 amounts of money through orders in council?

Mr. Breithaupt: We need more people in the Legislature like Ross McClellan.

Hon. B. Stephenson: Oh, disastrous.

Hon. Mr. Norton: Mr. Speaker, I would hope that we would be in a position to take some legislative action by spring. I do not propose to rush into legislation—

Mr. Warner: With the swiftness of a wounded turtle.

Hon. Mr. Norton: —until we have had some more experience with this. It's interesting what one learns in the early stages of such a program. I think that it would be folly to draft legislation hastily before the experience has been complete and we can apply the experience that we have learned.

Mr. Lewis: We have got to have Taylor back.

Hon. Mr. Norton: Mr. Speaker, I realize that his simplistic solution always is to legislate. I am sorry, I don't agree with that.

Mr. Lewis: Are you calling Jim Taylor simplistic?

Hon. Mr. Norton: No, it was the hon. member.

GAS COMPANY PROFITS

Mr. Ruston: A question for the Minister of Energy with regard to profits of Union Gas and Consumers' Gas in the last fiscal year: I wonder if the minister is going to make representation to the Ontario Energy Board on any new applications by Union Gas and Consumers' Gas as to the increase in price that they are asking? Union Gas had a profit of \$24 million in six months at March 31, 1977—\$5 million more than the previous year, which is a 20 per cent increase; and Consumers' Gas had a profit during the six months ending March 31, 1977, of \$33 million, when the total for the previous year was \$37 million.

Hon. J. A. Taylor: Mr. Speaker, the function of the Ontario Energy Board is to ensure that any rate increase is thoroughly reviewed and that there is a limitation on the profit of the distributing companies such as Union Gas. If there are any surplus profits in their view, then that presumably would go towards ensuring a lower rate than would otherwise occur.

Mr. Conway: Presumably? I am surprised.

Hon. J. A. Taylor: "Presumably" yes, because I have complete confidence in the Ontario Energy Board and I think it's important to ensure its impartiality and objectivity in these matters. I do not strive to influence that board in its deliberations in connection with these reviews one way or the other. I am sure that the board will take into consideration all of those financial aspects in connection with the current rate review.

WATER POLLUTION

Ms. Bryden: I have a question for the Minister of the Environment: In view of the fact that the pulp and paper industry has been under a cleanup directive since 1965 and only a handful of the 40 mills in the province have met any of the objectives set forth in the order, according to a recent report from ministry officials, can the minister explain why, in the five years since 1971 when the Ministry of the Environment was set up, there have been no convictions obtained against the industry for water pollution?

Hon. Mr. Kerr: Mr. Speaker, answering the hon. member's question, I am trying to

figure out dates here. She says five years since 1971. It is my understanding that there was a conviction against one company in 1971 and, as the hon. member knows, we had three prosecutions undertaken last year. I am not able to say whether we have successfully prosecuted any of those companies in the intervening period.

Ms. Bryden: Supplementary: I am referring to the study done by the ministry, called Alternative Policies for Pollution Abatement, which said there were no convictions against the pulp and paper industry for water pollution between 1971 and October 1976.

I wonder if the minister could give us figures on the number of prosecutions instituted against the pulp and paper industry, as well as the number of convictions and the average fine, for the whole period since the 1965 directive was issued?

Hon. Mr. Kerr: Yes, I can get that information for the hon. member.

Mr. Laughren: The crusading Minister of the Environment!

Mr. Warner: Haul out the wet noodle again.

Hon. Mr. Kerr: I might say, in reference to the article which the hon. member mentions, I don't agree with the article. My ministry's officials did not say that the industry was 11 years behind.

Mr. Lewis: How come all the ministers are always misquoted in the Globe and Mail?

Hon. Mr. Kerr: If we implement a program, say in 1965, how do we expect that in one year we will meet 1966 standards? The article is wrong in that way. The industry just is not 11 years behind, because it spent approximately \$370 million and it takes time to do that.

Mr. Warner: How far behind are they?

Mr. Foulds: Supplementary: Does the snail's pace of pollution cleanup in this industry, and the lack of convictions that the ministry has managed to obtain, lead the minister to the obvious conclusion that his legislation needs to be stringently revised and toughened so that he can move more expeditiously and, if necessary, obtain the convictions that show he means business?

Hon. Mr. Kerr: I think that our legislation has been effective.

Mr. Foulds: Ten years of failure.

Hon. Mr. Kerr: Our batting record, certainly in any prosecutions that we have undertaken has been good.

Mr. Breithaupt: Tell us about the Dow situation?

Hon. Mr. Kerr: In only one situation—one claim we made last year against one of the Abitibi mills is that decision being appealed.

The hon. member must remember that there is always a difference of opinion between what a judge will say in respect to our prosecution and the reasons for prosecution—our grounds, and the way we interpret the legislation.

Mr. Kerrio: That's a reason for changing the legislation.

Mr. Foulds: The legislation is foggy.

Hon. Mr. Kerr: No, I think our legislation is quite clear; we have been very successful.

Mr. Sargent: What's being done about Dow Chemical?

Hon. Mr. Kerr: I must admit that in most cases we obtain—I was going to say a guilty plea, but we do get a conviction against a company without going through the whole process of a trial. This, of course, does not put the Act to the greatest test. But in those cases where we have had lengthy trials, such as the recent Reed trial, we have obtained a conviction. The amount of the fine, of course, is something that the court decides in its wisdom.

Mr. Foulds: In terms of a batting average, one single doesn't mean the World Series.

Mr. Kerrio: Supplementary: The minister's contradiction in his statement appears when he suggests that a judge might consider the evidence in a different light than we do. I posed this question before and I pose it again: If the legislation is not adequate, let's try the minister's query in Wintario and try us in this Legislature to see if we can put in legislation that will be fair and also able to confirm the minister's pose here that the polluter will pay.

Hon. Mr. Kerr: Without prolonging this particular question, we are satisfied with the legislation. It is all-encompassing; it is probably the best that exists anywhere—

Mr. Conway: Cumbersome is the right word.

Mr. Breithaupt: That's known as a Freudian slip.

Hon. Mr. Kerr: All-encompassing, I am sorry. Where we have not obtained the conclusion or the decision we have wanted, that is subject to appeal. We don't agree that it is a fault of the legislation.

[11:00]

STATUS OF PUBLIC SERVANT

Mr. Breithaupt: I have a question of the Minister of Community and Social Services. Can the minister now advise again, following earlier reports by the one and only Barbara Yaffe, that Ralph Blakeman has particular duties—

Mr. Lewis: You could throw in Karl Mallette for George Kerr.

Mr. Breithaupt: —within his ministry or is, as the minister said, this civil servant either literally or figuratively continuing to sharpen pencils at \$36,000 a year?

Hon. Mr. Norton: I can assure the hon. member that at no time, to my knowledge—

Mr. Warner: No, he is sharpening pens.

Hon. Mr. Norton: —was Mr. Blakeman engaged, either figuratively or literally, in sharpening pencils.

Mr. Peterson: You use ball-point pens, don't you?

Mr. Lewis: He sat in the library a lot and got paid.

Hon. Mr. Norton: Sometimes researchers do that. I might add that I am a little reluctant to comment more fully on his duties up to this point, particularly in view of the fact, as the member may be aware, there is a lawsuit which—

Mr. Lewis: Yes, it's sub judice.

Hon. Mr. Norton: —does relate, as I understand it, in part to an issue relating to Mr. Blakeman's present employment. I do not wish to be in the situation where I might in any way prejudice the outcome of that case. I might also add that Mr. Blakeman has very recently been offered another assignment. I will know shortly whether he has accepted or not.

Mr. Warner: And you want to be Premier. Cabinet ministers should be put in the back row.

Mr. Breithaupt: While I do not want in any way to involve myself with respect to whether the courts feel that Mr. Blakeman's duties are satisfactory or otherwise, can the minister not at least tell us what those duties are at the present time?

Mr. Sargent: Dirty pool.

Hon. Mr. Norton: The thing I would like to avoid at this point is public discussion of a matter in which, as I understand it, part of the grounds for the action relates to what Mr. Blakeman considers to be damage to his career. To that extent, I think public discussion of what his career has involved in the last few months could very well have detri-

mental effect on his rights perhaps and the outcome of the case.

I can assure the hon. member it's my opinion that he is doing very productive work and that, as I say, he has been offered a new assignment within the ministry which I expect he is going to accept.

Mr. Warner: Sharpening pens?

MARKET STREET OMB DECISION

Mr. Foulds: In the absence of the chairman of cabinet, I would like to ask the Premier a question. I know when I have to lower my sights. Can the Premier inform me if he has any recollection and the result of any consideration by cabinet of the Market Street OMB decision that has been appealed to cabinet by the city of Thunder Bay? Does he have any recollection of that?

Hon. Mr. Davis: What recollection I have probably wouldn't be adequate to answer what supplementary question may emerge.

Mr. MacDonald: You are very foresighted this morning.

Hon. Mr. Davis: In that I would want the hon. member have as much relevant and specific information as is possible, I have two chores now for the weekend and this will be the third. So early in the week, when the hon. member raises the OMB appeal on Market Street in the city of Thunder Bay, somebody will have the relevant information to the extent that it is possible for the hon. member.

Mr. Foulds: While the Premier is having this anonymous somebody do the research, if the full cabinet has not yet considered the appeal, could the Premier use his good office to speed up the consideration by cabinet of that appeal in that the residents have been waiting now for some considerable length of time? The objectors in the case, Lakehead Developers, took a full two months to file their material with cabinet for consideration and the residents are in dire need of the water line as a result of the lowering of the water table in their area and hence the drying up of their wells because of a next-door-neighbour kind of development by Lakehead Developers.

Hon. Mr. Davis: I'll do my best to ignore that the hon. member really is trying to persuade cabinet in its semi-judicial responsibilities on appeals to that very distinguished group. He is putting forward a particular side of the case, which may or may not come to our attention. I will certainly not let his own point of view prejudice whatever decision cabinet may have made or may yet make. But I will get him the information.

Mr. Foulds: And it will be an enlightened decision?

Hon. Mr. Davis: Oh yes. They are all like that.

URANIUM PRICES

Mr. Sargent: Mr. Speaker, a question of the Premier rather than the Minister of Energy, because asking the Minister of Energy a question is like the Blue Jays losing three games in a double-header.

Some hon. members: Question.

Mr. Peterson: Don't you agree, is the question.

Mr. Sargent: I would like to ask the Premier a very yes or no question. Can he advise the House at what stage is the pending purchase by Hydro from Denison of \$1 billion worth of uranium for delivery between 1980 and the year 2000 when the world price for uranium is ranging from \$14 to \$40 a ton? I would like to ask if he can tell us at what stage we are now in this purchase.

An hon. member: Say yes.

Hon. Mr. Davis: Mr. Speaker, I don't want to get into the question of the Blue Jays losing three games in a double-header.

Mr. Kerrio: Yes or no?

Hon. Mr. Davis: That is something they succeeded in not doing. That is a double negative for the hon. member if he doesn't quite understand, and I have difficulty in answering that question yes or no.

Mr. Peterson: Triple negative in this province.

Hon. Mr. Davis: Mr. Speaker, you might give me some advice as to how one can answer a question like that yes or no. So I guess the only way I can answer would be a little bit of yes and a little bit of no and somewhere in between is maybe. The truth of the matter is negotiations are still going on.

Mr. Sargent: Supplementary, Mr. Speaker: Is the Premier not concerned about committing \$1 billion for the next generation when a lot of people are concerned about the fact that nuclear power will not be around then? Is that a matter of concern to him?

Mr. Worton: Yes or no.

Hon. Mr. Davis: I'd have to say this to the hon. member. If nuclear power is not part of the Hydro system even in the year 2000, a lot of us are going to be in trouble and the hon. member will be operating more in the dark than he is presently.

One might argue as to just how extensive the program may be over a period of years,

but I would suggest that certainly some form of nuclear power will be with us during the hon. member's lifetime. Certainly I am concerned about what the price may or may not be. I am also concerned that the people of this province have a certain security of electricity, because while it may not be relevant for the hon. member it is for those of us on this side of the House. We happen to think electricity is still somewhat essential to the economic and social well-being of the people of this province.

Mr. Peterson: You are in favour of electricity, are you?

Hon. Mr. Davis: Yes, we are in favour of electricity.

Mr. Sargent: Supplementary: In view of the fact that the government has removed Hydro from the elective process by putting them out there where we can't find out what is going on, will the Premier tell the House why he won't bring this matter of \$1 billion before this Legislature for scrutiny to find out what is going on?

Hon. Mr. Davis: Of course I haven't said that I won't.

Mr. MacDonald: I have a double-barrelled supplementary question in this connection.

Is it accurate that the negotiations are on the lines of a price that would be half way between Denison's costs and the world price? Secondly, is it accurate that the procedures call for a confirmation of any final negotiation, any conclusion that is negotiated by order in council by the cabinet?

Hon. Mr. Davis: In that the hon. member already had partially confirmed the answer to that question in his discussions with the chairman of Hydro and also has been—

Mr. MacDonald: What do you mean? He is trying to clear it with you?

Hon. Mr. Davis: No, no. I just happen to know that you have already made some efforts to find out a lot of this information—and very properly so.

Mr. Lewis: No, no. Hydro approached Donald.

Mr. Peterson: What perception.

Hon. Mr. Davis: Oh, I am perceptive. I do sometimes have access to information that the hon. member has access to. That will come as a great shock to him, but I sometimes do—

An hon. member: Tapping the phone?

Hon. Mr. Davis: —but not always in the same form or in the same manner. What were the two questions?

Mr. MacDonald: Is it accurate that the price negotiations are floating between Denison's costs and the world price.

Hon. Mr. Davis: Regarding the first part of the question, I can't honestly give the hon. member an answer. The contract is still a matter of negotiation. My understanding—whether it is a matter of statute or not—is that there is a procedure whereby a contract of this nature would probably have to be ratified or supported by an order in council. That I believe is correct.

FRENCH LANGUAGE INSTRUCTION

Ms. Gigantes: I have a question of the Minister of Education, Mr. Speaker. Could the minister tell us what proportion of the Ontario boards of education have chosen to participate in the program of increased French language instruction?

Hon. Mr. Wells: It is my recollection that about 138 of the boards have indicated that they are going to make some change this year in their program—increasing their program of teaching French as a second language—and an additional 38 to 40 have already indicated some plans to change further their programs next year.

I am confident that as the boards have more lead time—and, of course, they didn't have too much lead time to get the programs ready for this year—that the programs of teaching French as a second language will continue to improve in this province. I looked at the programs quickly and I think there is a greater emphasis being put on starting French as a second language at the early grades, and that the question of immersion schools is now being faced by many of the boards; immersion classes and immersion schools are being thought of and, in many cases, instituted where the need is indicated.

Ms. Gigantes: Supplementary, Mr. Speaker: Has the minister any indication from those non-participating boards why they are not participating?

Hon. Mr. Wells: I haven't at the minute, but I am sure that in the course of the next few months, as our regional offices go around the province and meet with curriculum people from the boards, we will find this out. I remind you again, though, that there are only, as I recall, two boards in the province that didn't have some program of French as a second language in their schools.

Mr. Nixon: Supplementary: Is the minister aware that there are a number of high

schools in the province which do not offer French in any part of their curriculum whatsoever, the reason being that no student has indicated that he or she wants to take French? Is he aware that some high schools have no French instruction at all?

Hon. Mr. Wells: I must say that I find that rather surprising. Could the hon. member give me a list of those high schools? If he is saying that there are high schools in which there is no French in grades nine to 13 being offered at all because there is no demand, I would find that rather surprising.

I mean, there is no question that the number wishing to take French in the secondary schools has been decreasing, but it has not been brought to my attention that there are any schools where French has been completely eliminated as a program. Perhaps he is confusing it with Latin or something.

Mr. Nixon: Supplementary, Mr. Speaker. Unfortunately the same thing is happening to French under the minister's direction as happened to Latin under the direction of the Premier during his tenure. Why should anybody take French under the minister's program when they don't need it to get into university, and the encouragement is completely superficial?

Hon. Mr. Davis: I was a great supporter of Latin. It is the only subject I did well in. I supported that.

Mr. Nixon: It is moving out of the high schools in spite of all that the minister is saying.

Hon. Mr. Davis: I have never been negligent about Latin.

Hon. Mr. Wells: I think we have to reject the idea that French is moving out of the high schools.

Mr. Nixon: It is.

Mr. S. Smith: It has already moved.

Ms. Gigantes: It already has.

Hon. Mr. Wells: I find that there is a greater interest in French as a second language this year than there has ever been.

Interjection.

Mr. S. Smith: You are not meeting it.

Hon. Mr. Wells: We will find that we have reached the turning point and students will want to take the course. I really think that my friend should give me, privately, some of the names of the high schools where French is not being taught at all in this province. I would like to know because it has not been brought to my attention.

Mr. Foulds: Supplementary, Mr. Speaker.

Mr. Speaker: A brief supplementary. We have one minute left.

Mr. Foulds: Can the minister tell us if he has any reports from his regional offices of boards putting undue obstacles in the way of developing both second language and French immersion programs in terms of forcing parents to pick up transportation costs if their children wish to participate in those programs?

Hon. Mr. Wells: I don't have any indications, Mr. Speaker, but I can imagine that probably because transportation is left at the discretion of the local board there will be disputes over transportation costs. We do not mandate that transportation be paid for by a board. As you know, there are certain regulations in the Act that if the students live beyond a certain distance, transportation must be provided. Otherwise, it doesn't have to be. I am sure there are disputes, but I haven't had any brought to my attention.

[11:15]

REPORTS

SOCIAL DEVELOPMENT COMMITTEE

Mr. Villeneuve from the standing social development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Colleges and Universities be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Colleges and Universities	
Ministry administration program	\$ 5,741,000
University support program	793,487,000
Colleges and adult education support program	391,273,000
Student affairs program	82,281,000

INTRODUCTION OF BILLS

LEGISLATIVE ASSEMBLY

AMENDMENT ACT

Mr. Williams moved first reading of Bill 74, An Act to amend the Legislative Assembly Act.

Motion agreed to.

Mr. Williams: The amendment would require a person who holds office as a member of a council of a municipality whose term is not yet three-quarters expired to resign his office on official nomination day if he wishes to be elected to the assembly.

ORDERS OF THE DAY

EMERGENCY DEBATE:

LAYOFF OF NICKEL WORKERS

Mr. Lewis moved, pursuant to standing order 30(a), a matter of urgent public impor-

tance, namely, the disastrous economic blow which will strike the region of Sudbury and the economy of Ontario if the International Nickel layoffs of 2,800 people, as announced, are permitted to occur.

Hon. Mr. Welch: Mr. Speaker, I'm wondering if we might expedite the consideration of this very important matter by the House agreeing that it wouldn't be necessary to go through the 15 minutes of explanatory comments to persuade the Speaker. Could we now put the question to the House and proceed?

Mr. Speaker: Shall the debate proceed?

Motion agreed to.

Mr. Lewis: Mr. Speaker, I will be as brief as possible. This is one of the most difficult predicaments to have faced this House in a number of years. I listened very carefully to the Premier's effort at reassurance during question period this morning. I have no doubt that he may wish those reassurances to be true. But it was for those of us in this caucus a far too sanguine performance, speaking much too much to generalities and not nearly sufficiently to the specifics—the compelling and in many ways terrible specifics of several thousand families facing what must surely be personal and collective economic disaster at the end of January, 1978.

We think in this caucus that the calamity of Sudbury has a certain obvious inevitability about it, that there was a certain logic at work which flows, on the one hand, from the failure of government policy and, on the other hand, from the way in which that company has operated within a capitalist economy. I'll tell you what I'd like to start with, Mr. Speaker, if I may.

I want to make a short, precise and fundamentalist response to what is happening to Sudbury today, because I genuinely believe, we genuinely believe, that that's the way it should probably be approached. There seem to me to be five specific points which are worth making in rapid succession. Probably there are many more which others will add; certainly my colleagues from the Sudbury basin will.

First—and I say this to the Minister of Labour and to the rest of the cabinet—it is utterly unconscionable that Inco should not have consulted with the government in advance of its announcement. It shows the extraordinary contempt in which the cabinet is held by that particular multi-national corporation and the fact that they think they have absolutely no responsibility to consult or to work in advance when they visit this kind of catastrophe upon a community which

has made them one of the wealthiest resource corporations in the world.

I sat in this Legislature several years ago when we had the Dunlop closing in downtown Toronto. I wish my colleague from Riverdale (Mr. Renwick) could be here today for this discussion; it was because of his intervention at that point, so aggravated and angry was he, that the cabinet felt, I think, it had to respond. As a result, we got legislation which required a certain specific degree of notice when you were going to terminate employees in the way in which Dunlop behaved.

Inco has given the proper notice, but what we now need is legislation requiring a company that intends to lay off a significant number of workers in its work force to consult several months in advance with the government and the workers and to make provisions avoiding it or an alternative. That's number one.

Second, we never in this House provided an adequate tax under the Mining Tax Act; I say that to the Premier. Again, my mind goes back. I can go back to the speeches of my colleague from Sudbury East (Mr. Martel), who in 1972, 1973 and 1974 drew to the attention of the government that from mining taxation in this province we were taking 0.89 per cent of total mineral production, one per cent of total mineral production and 1.5 per cent of total mineral production. I think it once rose, in 1968, to 2.26 per cent of mineral production.

In the years when the resource sector was strong, we never took the taxes which the people of Ontario should have seen as their inherent right; therefore, we never built into the Sudbury basin the kind of economic infrastructure which could cushion this type of calamitous blow.

Mr. Speaker, if you want to know, therefore, where some of the responsibility lies, it lies at the feet of those who sit in the cabinet now and indeed very much at the feet of the Treasurers and the present Minister of Northern Affairs (Mr. Bernier).

Third, we never in this province insisted on sitting down with Inco or Falconbridge to find out to what extent they were stockpiling, to what extent they were overproducing, or to what extent they were using the moneys of the province of Ontario to invest abroad. Some of the free-enterprisers over there will say that is undue government intervention. It's not government intervention; it's self-preservation. These mines that are coming on stream now in Guatemala and New Caledonia at a cost of billions of dollars have

been financed in dominant measure by the people of the Sudbury basin, and the consequences are today visited on them. That lies at the feet of those members on the government benches across this legislative chamber. Surely they know that.

There was no reason in the world why the government couldn't have spoken to the companies to find out what they were about and what was involved, because it had an economy to protect in Ontario. We talked ad nauseam, I suppose, in a way which offended the government from time to time, about the need for an economic infrastructure in the north and in the Sudbury basin and about what was happening to all of that revenue which was going out.

Need I say what everyone knows? The Sudbury basin is the richest single resource basin in the western world. There is nowhere that so much has been taken out and so little has been returned. So why, one asks, do 2,800 workers have to face layoffs at the end of January 1978? That brings me to the fourth point I want to make.

The fourth point is that we compounded our negligence around the raising of tax revenues and our refusal to examine the investment of these companies abroad by granting a series of special exemptions under the Mining Act which otherwise would have determined that Inco and Falconbridge process and refine their ores in this province or in this country. Our belief on this side of the House is that the government never really intended that the processing and refining occur here domestically, that it was always willing to give them an exemption, a tax concession, a special depreciation allowance or another tax exemption. Whenever they wanted it, they got it and indeed they persist until the end of 1985.

Again one asks how are we going to build the kind of secondary manufacturing industry, service industry and economic infrastructure into the Sudbury basin, if jobs are given away by refining and processing abroad. So they vault off to Wales, or they vault off to Norway. And what's left for Sudbury? Twenty-eight hundred unemployed, which brings one to the fifth and obvious point. This is absolutely characteristic about everything we've ever said about northern Ontario. This is the consequence. This is the inevitable, inexorable consequence of looking at the north as a resource hinterland, not just for southern Ontario but virtually for the rest of the world. We've said we can't allow it any longer, and the government can't allow Inco to get away with this.

I know the members of the Legislature on the government side, will stand this morning and will say, "The international nickel market is in difficulty. We can't control that. Demand isn't as high. Overproduction is great." That is no solace to those who face the calamity of Sudbury and the ominous implication of Inco's statements that more cutbacks may indeed be coming in 1978. It provides no solace for what we have squandered over the last generation in the service of prostrating the workers in the economy to the profits of Inco. So we say to the government in as positive and constructive a way as we can that, as it is looking at this kind of thing and as it is negotiating over the travail of the last 24 or 48 hours and the announcement, that it look at it in the following ways:

One, we say to Inco that if they proceed as they have announced, we will withdraw the exemptions which allow them to process and refine abroad. And, yes, I'll go further than that. If Inco then thumbs its nose at government, government has alternatives. Government can buy a sufficient number of shares to have a controlling interest in the decisions of that multi-national corporation or, if they have such total indifference to us, then maybe it's time to start thinking seriously about the public sector for Inco. Maybe it's time. Maybe it's finally time. Maybe they've driven us to the wall. I concede that there are measures which could be taken short of that and those are the measures we would advocate. But when you've got a whole economy of northern Ontario, not to mention the consequences for the rest of the province, then it's time.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Lewis: I will just tie it together, Mr. Speaker. The second, third and fourth points are simply that if Inco proceeds, they cannot be allowed to proceed until alternative jobs are made available, until a task force has been created which involves the union, the workers there, in the planning for the community and, finally, until some kind of additional benefits have been worked out. I don't want to plead with government. I don't want to beg with government. We just simply want to say this is the pattern of resource development in northern Ontario. It has resulted in one calamity after another, and today in this Legislature, it's time to call halt and face that company squarely and turn its obligations around where they belong, to the workers who create the wealth in the Sudbury basin.

Mr. S. Smith: Mr. Speaker, I rise at this time to present the views of my party on the

very troubling and anguish-producing situation in Sudbury and the terrible future that faces, not only the people of that region, but so many of us in Ontario, if we find our mining industry gradually undergoing this kind of dreadful setback. Other members of my party will speak on specific ways in which we think the government of Ontario can intervene to assist those families suffering from the proposed layoff, and specific ways in which we think that the life of those workers in the mining industry can be improved; and how we can guard against this kind of thing happening.

[11:30]

However, I want to address myself almost entirely to the situation in which Inco now finds itself in terms of its international investment. Inco says this layoff is due to the unexpectedly low market for nickel products in the world, and I think they are correct in that sense. There is an unexpectedly low market which did not make its usual recovery at the three-year cycle, as one normally expects, and I do recognize the costs of carrying a huge stockpile in the neighbourhood of \$1 billion. These costs are becoming so enormous that it's very difficult for the company to deal with a serious cash flow problem.

I recognize that their stockpile already is about two and a half times its usual size and it is costly to maintain; but the company has found cash to invest in foreign operation, the cash flow problem has not restricted them from making that kind of foreign investment in Guatemala and in Indonesia. These operations and their impact on Ontario are exactly what I want to examine.

Let's look first of all at the pattern of investment. Members will note from the graph which I am holding in my hand that the amount of investment which Inco has made in Ontario has gone down from a high of \$224 million in 1970 to a low of \$58 million in 1973, and it's \$90 million in 1976. But foreign investment has gone, from \$17 million in 1972, gradually upward year by year to \$369 million in the year 1976.

What is that foreign investment doing and what is the company's reason for it? The company said they anticipated growth in the nickel market sufficient that it would take into account not only the Sudbury product but also would create a need for a product from other ore bodies in the world. They felt that failure to invest elsewhere might put undue pressure on the Sudbury area. Whether we take them as credible or not, let's look at that.

The expected growth in the world market has not occurred. Furthermore, the laterite ores in the rest of the world, in the tropical regions in which these investments are placed, have turned out not to be as easy and as productive and as cheap to mine as previously anticipated. It takes a lot of energy to release the nickel from those ores, and with the soaring cost of energy it turns out now—and I have this from the officials from Inco who visited us yesterday—that the Sudbury basin can in fact produce competitively with those laterite ores and beat the price today for the product that is being made from the laterite ores.

Furthermore, the company plans that these foreign plants will produce a product which they term 75 per cent matte. It's a more crudely refined nickel, it's not as highly refined as those which we have been accustomed to trying to sell in the world market. But they say, and I have no reason to believe otherwise, that there has now come to be a kind of currency in the world in 75 per cent matte. That's the product which is more easily sold into certain markets, particularly Japanese and European markets, today; and it turns out that that's a product which we could produce from Sudbury, provided the government is willing to permit that to happen.

We could produce it from Sudbury and beat the price of Indonesia and Guatemala into the European and Japanese markets. The plans of the company are to have the Guatemala plant come on stream in 1978 and supply the equivalent of six per cent of Sudbury's output into western Europe, some of it to be further refined in their Welsh refinery. The Indonesian plant, in which Inco owns 90 per cent, approximately, has three production lines, each of them also equivalent to approximately six per cent of Sudbury's production. One of them for sure will be on line in 1978—its product has already been sold ahead of time to Japan—and the other two are presently being negotiated for and are expected to produce in early 1979.

Each of those six per cents represents approximately 700 jobs in Sudbury, and all four of those production lines, the one in Guatemala and the three in Indonesia, represent, by coincidence, 2,800 jobs in Sudbury. Sudbury could compete if the government would allow the shipment of 75 per cent matte on a contract-by-contract, longer-term basis.

We favour, as much as anyone else, more refining and fabricating in the mineral sector in the north—and it should have been done long ago. However, we cannot turn our backs

on the realities of the international market today.

Mr. Laughren: Unbelievable.

Mr. Lewis: That is a sellout.

Mr. S. Smith: Just listen for a moment. There happens to be a change in the international market for 75 per cent nickel matte. If we don't sell it, it will be bought by Japan from Indonesia—and that is what they are contracting for today. If my friends will do their research, they will find that out.

Interjections.

Mr. S. Smith: Therefore, unlike the rhetoric and the usual socialist slogans that come from the left over there, we propose a plan that can save jobs in Sudbury. We ask and implore the Premier to listen to this plan.

First of all, give Inco the right to sell 75 per cent matte on a contract-by-contract, reasonably long-term basis—

Mr. Cassidy: More concessions.

Mr. Martel: Why not just give it to them?

Mr. S. Smith—in those markets which they are currently planning to serve from Guatemala and Indonesia.

Second, we must demand immediately—and the Ontario government must be very firm about this—that Inco cease all operations in Guatemala and Indonesia right now, that all investments which they are making with Ontario money in Guatemala and Indonesia cease immediately—

Ms. Gigantes: The Liberals aren't even prepared to nationalize that.

Mr. Lewis: It deserves public ownership, that's why.

Mr. S. Smith:—that they undertake to meet the Japanese contracts, which they already have for their Indonesian operation, and the European contracts—

Hon. B. Stephenson: Which they don't have.

Mr. S. Smith:—which they will be getting and are now negotiating for their Guatemalan operation—that these contracts be met from the Sudbury operation.

Mr. Lewis: What if they say no?

Ms. Gigantes: Yes, what if they say no?

Mr. S. Smith: I shall get to that. I am glad I have the hon. members in such suspended interest.

Mr. Lewis: He does.

Mr. S. Smith: Until the anticipated expansion in the world market of nickel occurs—and that is the expansion which was the justification for the taking of Ontario money

and investing it abroad in the first place—until that expansion occurs, they must cease all those international operations and devote their premier attention to the Sudbury basin.

Ms. Gigantes: Or else?

Mr. S. Smith: If they fail to do that, the full force of the Ontario government must be brought to bear on this firm in every way that it possibly can.

Ms. Gigantes: How?

Mr. Lewis: What does that mean?

Mr. Martel: We should send the troops in.

Mr. S. Smith: We must make sure, I say to the Premier, that the people who are representing the interests of the Sudbury basin in a very highly competitive world market, where we are having difficulty selling in the Japanese and European markets, are not the same individuals who have a conflict of interest and are representing our competitive sites that exist in Indonesia and Guatemala.

Mr. Cassidy: Jesus, this is unbelievable. He doesn't believe in interfering with free enterprise either.

Mr. S. Smith: Let me show three conflicts of interest that Inco has right now. In the first place, they had to make a decision whether to open operations in Indonesia and Guatemala in order to produce 75 per cent matte, rather than try to persuade the Ontario government to produce that product here in Sudbury. They should have been talking with the government, and the government should have been talking with them. The government should have known—there was a change in the international market for 75 per cent matte.

Mr. Lewis: What is this 75 per cent matte?

Mr. S. Smith: We should have been producing that product. They therefore had a conflict of interest in moving, instead, into Guatemala and Indonesia to put out that particular product which can get under the Japanese and European tariffs.

Mr. Martel: He is dumber than I thought he was.

Mr. Lewis: He has been conned.

Mr. Mackenzie: Completely conned.

Mr. S. Smith: Secondly, we have to recognize there is a second conflict of interest. The company right now has a choice of meeting its Japanese and European contracts from its foreign operations or from Sudbury.

Hon. B. Stephenson: It doesn't have any European contracts.

Mr. S. Smith: That is a conflict of interest which is working against the interests of Sudbury.

Mr. Swart: That's a multi-national corporation.

Mr. S. Smith: Yes, it is multi-national, I quite agree. And there's no reason why we should kotow to multi-national corporations.

Mr. Lewis: The member has been conned.

Mr. Deputy Speaker: Order, please.

Mr. S. Smith: There is a third and even more important consideration. The investment which the company must make to keep up the plant in Sudbury—to make it modern and competitive, to make sure that it doesn't become rusty and obsolete—that investment, which must be made there, instead of being made there is going into its operations in other parts of the world.

Mr. Lewis: And he thinks our economics are frightening?

Mr. S. Smith: That is a conflict of interest which will bring about a self-fulfilling prophecy—

Mr. Speaker: The hon. member's time has expired.

Mr. S. Smith: These are my last words, Mr. Speaker. In that particular self-fulfilling prophecy they will guarantee that Sudbury will become uncompetitive with their international operations elsewhere. Therefore, the full force of government must be brought to bear so that Inco immediately ceases the overseas operations and meets its contracts—

Mr. Lewis: And what will you do if they don't?

Mr. S. Smith: —meet its contracts from the Ontario Sudbury basin.

Hon. B. Stephenson: Mr. Speaker, I'm pleased to rise to participate in this debate upon the crucial situation which has occurred in the region of Sudbury as a result of the statements and the decisions—

Mr. Lewis: Is that what they do to you when you meet with them privately?

Mr. Speaker: Order, please.

Hon. B. Stephenson: —taken by Inco.

My very first remark, I would have to say, is that yesterday we did have the opportunity to meet with representatives of Inco, and one of my concerns, having listened to some criticisms from various other sources in the international area and some within our own jurisdiction, was about the competitiveness of the Sudbury operation.

I was pleased to be informed that the cost of producing nickel in Sudbury is competitive, because that company believes that it has one of the finest plants in the world, if not the finest, and the best trained work force in the world and that in any situation that company

installation in Sudbury can compete, internationally, nationally, or in any other way.

They believe that in the Sudbury basin they are second to none in terms of competitiveness on the world market. Unfortunately, the world market is not what it should be. At the present time Inco does not have any American contracts to fill, because the steel industry is simply not producing steel.

Japan does indeed have steel production going on and the Canadian companies have been frozen out of that market completely until they complete—with, I am told, the aid, assistance, and financial support of the federal government of Canada—the development of the mine in Indonesia and the one in Guatemala. It is, I understand, the purpose of that mine in Indonesia to fulfill whatever contracts they develop within the Japanese market.

Mr. S. Smith: Even more reason to demand they stop production over there.

Hon. B. Stephenson: My chief concern is about the welfare and the future of those individual members of the work force in Sudbury who will be, unfortunately, let go by Inco, under their present program, beginning at the end of January, 1978, and continuing probably towards the end of February, 1978.

Of the 15,200 hourly paid employees at Inco, approximately 1,840 are to be laid off. Of the 3,400 salaried workers, approximately 360 are to be laid off during that term. One does have very real concern for those individuals—perhaps even more so than one has concern for the future of Sudbury as a whole, because Sudbury is a vital region of this province, one which has faced adversity before and has not died. It will not die this time either. It will, in fact, renew its energy and will go on to greater things in the future.

As a result of my concern I had meetings this morning with representatives of the United Steelworkers of America, the union responsible for the workers at the Inco installation—with Mr. Stewart Cooke, Mr. Gilbert Gilchrist, and Mr. Dave Patterson. I have to tell you, Mr. Speaker, that it was a very constructive meeting, because there were a number of ideas and proposals which were outlined that I feel justify real exploration, not only with the company but indeed as well with our federal counterparts. That is precisely what I intend to do.

In addition to that, I conferred yesterday with the Hon. Bud Cullen, who is the Minister of Manpower and Immigration, and we have arranged that there will be a joint meeting of the federal officials in that area with the officials of my ministry, along with members of management and the union on Tuesday of next week.

There are several possibilities that have arisen as a result of that discussion which will be explored in depth on Tuesday. I'd simply like to list these for the members, because it's perfectly obvious to me that the requirement for miners in Canada as a result of this specific problem should be totally channelled through the Sudbury office of Canada Manpower. Wherever a request for a miner occurs in Canada, that request should not be dealt with by a local Manpower office, but by the Sudbury office which is facing the requirement of placing approximately 1,800 trained and experienced miners. [11:45]

Mr. Laughren: You want to move them out as fast as you can.

Mr. Martel: I don't believe it.

Hon. B. Stephenson: I think it is also equally obvious that the flow of offshore workers should be stopped completely. If any mining company in Canada requires new manpower it should not be allowed to import that manpower from outside this country; rather it should look at the availability of mining capability in the Sudbury area and utilize that capability first.

It is well known that the federal Department of Employment and Immigration administers the Canada works program which was alluded to last night by the federal Finance minister, and that under that a substantial job creation program has been established for which, I am aware, \$57 million of the total of \$303 million for Canada was allotted to the province of Ontario.

The potential unemployment levels in Sudbury, it would seem to me, should ensure an increased allotment to that region since the allotments are supposedly based upon unemployment levels, and yesterday's notification will most certainly dramatically increase the unemployment level within the Sudbury area. I would like you to know, Mr. Speaker, that we will be making strong representation to support the allocation of the maximum available funds for the benefit of affected employees in the Sudbury region.

There have been certain criteria established for the allocation of such funds, based upon the qualifications established within the Department of Employment and Immigration. Although there has not been demonstrated to this date any flexibility, I think there must be some flexibility in the drawing up of those qualifications which could be applied to the mining people particularly in the Sudbury region, with the hope of improving the rate at which funds are allocated for this purpose in that area.

Mr. Speaker, I can assure you that we shall be doing everything within our power to urge the federal government to provide that flexibility.

In addition, there are federal funds available for temporary relocation assistance. I would propose to explore the prospects of diverting as large a proportion of available funds as it is possible to do to assist the Sudbury workers who may be able to be employed in the surrounding area. As most of us are aware, there is some expansion going on not too far distant from Sudbury which I think we could assist in speeding a little. I would hope that as a result of that expansion it might be possible that a substantial number of individuals who are as experienced and as well trained as the Sudbury workers are, to move to, for example, Elliot Lake.

Mr. Martel: What will they live in, tents?

Hon. B. Stephenson: I am not suggesting that, indeed, they must move permanently to that site, because I think it is quite possible that with the assistance of the federal government we could establish a transportation program—

Mr. Martel: They could live in tents; there is no housing.

Hon. B. Stephenson: —in order to help those workers to travel between their home sites in Sudbury and their work sites in other areas in the surrounding region.

I think it is possible that some of those workers who are qualified in Sudbury might wish to consider this kind of activity, and I would propose that we support as vigorously as we can, in all manners of support, such a program of providing assistance for transportation or for relocation if necessary. The Elliot Lake area is not the only one, but it is certainly the one which comes to mind most readily.

In addition to that, on July 19 this year the federal Parliament amended the Unemployment Insurance Act, and under the amending Act, which is called Bill C-27, provision was made which empowered the newly created Canada Employment and Immigration Commission to make regulations providing for the payment of work sharing benefits to qualified claimants. I would remind you, Mr. Speaker, that thus far this section has not been proclaimed into law.

The intention of the section, as I understand it, is to encourage employers, trade unions and employees to establish satisfactory work sharing arrangements to minimize the effect of short-term unemployment.

It may well be that this critical and unfortunate situation in the Sudbury region lends itself to the implementation of a work sharing arrangement which would qualify the affected employees for benefits, at the same time remaining at work for a reduced work schedule. I recognize that this is not entirely satisfactory, either from the union's point of view nor from management's point of view, but I think that in this situation we must be prepared to consider all of the avenues which might be open to us to resolve the critical situation.

Ms. Gigantes: Deal with Inco.

Mr. Martel: Why don't you deal with Mother Inco?

Hon. B. Stephenson: It is a novel concept and there may be substantial problems in working out appropriate arrangements, but we shall be working diligently with both the management and union concerned in this situation to find solutions to the problems which have arisen; and to develop long-term solutions as well, since I intend to convene a special meeting of the Ontario manpower co-ordinating committee in order to bring this before that committee for its serious consideration.

Mr. Swart: Shouldn't that have been done two or three months ago?

Mr. Laughren: I am depressed by the comments of the two previous speakers. The Minister of Labour's response is defeatist and inadequate.

Hon. B. Stephenson: It is certainly not defeatist.

Mr. Laughren: The Leader of the Liberal Party's response would result in a giveaway of awe-inspiring proportions, the likes of which we have never seen in this country. I can only conclude that he has been completely conned by Inco.

Mr. Deputy Speaker: Order. The member for Nickel Belt has the floor.

Mr. Laughren: The massive layoff is a serious blow to a community that too often has been subjected to the whims of Inco and Falconbridge. Without exception, those whims have been self-serving and destructive in both social and economic terms. The Sudbury basin has delivered enormous profits to absentee landlords for many years. Those landlords' allegiance is to the bottom line on an international balance sheet and nothing more. Neither Inco nor Falconbridge paid homage to acceptable business or social ethics, and I mean that as seriously as I know how. Their activities in the Third World de-

base us because they are headquartered in this province.

Mr. Lewis: That's true.

Mr. Laughren: They are active in racist regimes in the Third World where labour is exploited and abused through military dictatorships.

Mr. Lewis: That's right, especially Falconbridge.

Mr. Laughren: Amnesty International tells us in Indonesia there are 100,000 political prisoners. Let us have no illusions about the intentions or the behaviour of the resource corporations active in the Sudbury basin, and quite frankly that makes them easier to deal with. The layoff of 2,800 workers will have in economic terms more of an effect than that on jobs in the Sudbury area, probably between 5,000 and 10,000, with a multiplier effect thrown in. This government has a responsibility that goes beyond sitting on its collective hands waiting for Inco to make up its mind and making clucking sympathetic noises such as the Premier (Mr. Davis) made this morning in his remarks.

When I moved to Sudbury in 1969 there were 18,000 hourly rated employees. There will be about 10,000 now because of the capital intensity of the operation.

Mr. S. Smith: There is no coincidence there, is there?

Mr. Laughren: This government has presided over a distorted resource policy in the province of Ontario. They have encouraged the rapid extraction and sellout of this resource. There was a day when Sudbury supplied up to 90 per cent of the western world's supply of nickel. Today it's down around 30 per cent.

Mr. S. Smith: Since you moved there, eh?

Mr. Laughren: Think of what we could have done over the years when we had that kind of control over the market. Now the company claims that there is an oversupply of nickel. It's an oversupply created by them. It's ironical that while Inco was announcing its impending layoff here in Toronto, some of the families, the workers in Sudbury, were packing their suitcases to go to Guatemala for a two- or three-year period to bring the operations there on stream. Talk about digging your own grave.

Mr. S. Smith: So you do agree with us.

Mr. Laughren: That's what Inco is doing and we are all going to pay for it, but primarily the workers in Sudbury will pay for it. The choice for Ontario is clear. We can either continue to allow Falconbridge and Inco to act in irresponsible ways, the way

they have in the past, or we can do something about it. I believe that this government has an opportunity to intervene on behalf of the people of Ontario in a clear and decisive way. That intervention must take the form of the immediate and crisp public ownership of the nickel resources of this province.

Mr. Warner: You laugh, you sit and laugh —2,800 out of work; sure, great joke.

Hon. Mr. Davis: Your own leader was smiling. Don't accuse me of laughing. This isn't what you were saying last June.

Mr. Laughren: Mr. Speaker, it is folly to pretend that tax concessions or processing allowances will solve the problem. We've been that route. Taxation of the resource sector simply cannot work, for very elementary reasons. If taxes are increased the companies can merely highgrade the ore; take out the profitable part, leave the bad stuff there and invest the money in the Third World. When they transfer the profits to the Third World they are, in effect, making the supply of nickel superfluous here.

The Treasurer's (Mr. McKeough) silly, vacuous shouting yesterday spoke more to his terminal myopia on economic matters than to any kind of alternative policy on his part. The Treasurer himself has stated that there will be no secondary development in northern Ontario for 20 years. That's the man who is responsible for the economic development in northern Ontario, and he makes statements like that. His clichés are not just silly, they're becoming downright offensive in times like this.

But the contradictions are really remarkable. Prime Minister Trudeau told us the other day that Canadians have got to work harder. I want to tell you something, Mr. Speaker—tell the Inco workers in Sudbury, tell the steelworkers in Sudbury, that the harder they work the faster they will be out of a job. Those are the kind of contradictions that workers in the Sudbury area are facing.

The Minister of Northern Affairs (Mr. Bernier) agrees with International Nickel, that the problem isn't really there, that it's the world supply of nickel.

Mr. Lewis: They control the markets for heaven's sake; of course they do.

Mr. Laughren: We know that with rational production levels this need never have happened; with no government grants, concessions or exemptions. In the first nine months of this year Inco earned about \$95 million. They received \$70 million from the Export Development Corporation in Ottawa to finance their Guatemala operations.

How's that for sanity in resource development and preservation of jobs in this country? That's the kind of contradictions that we have between the Liberals in Ottawa and the Conservatives here.

It's not just that they're presiding over silly policies; it's not that they have just been a passive observer; through their exemptions and allowances they've aided and abetted in the process. We simply cannot continue to finance the increased demand for social services while we export resources that have not had sufficient wealth added to them from the processing. That's simply got to come to an end; and it should be clear now that that will never be done by the private sector, simply because it is not in their best interest.

I would like, in conclusion, to paraphrase the comments of a progressive Conservation Premier of this province back around 1905 or so when he was talking about water resources. It could very well apply to the nickel resources. He said that the water resources of Ontario should no longer be the sport and prey of capitalists, but rather a valuable resource for all the people of Ontario whose trustees members of this government are. Thank you, Mr. Speaker.

Mr. Bolan: Mr. Speaker, before making my general remarks on this topic I think I'd like to start off by asking, "Are we once again about to witness a strange phenomenon which every now and then occurs in northern Ontario; and that strange phenomenon is the death of a industry and the death of a community?" As testimony to this remark which I've just made, one only has to drive through northeastern Ontario to witness the remains of what were once proud and respected communities which stood on their own. These communities relied on natural resources, and as the resources which fed them diminished so did the communities themselves, to the point where they are today.

This, of course, was many years ago. This was in the days when it was an accepted axiom of government and business that when a community ran out of raw materials, it simply faded away. It was a very simplistic way of dealing with the problem at a time when governments did not have the ability, or the mechanisms or the desire or the resources, to deal with complexities of such magnitude.

[12:00]

With the announcement yesterday that Inco would lay off 2,200 hourly-paid and staff employees by the end of January, 1978, you have the beginning of one of the most devastating catastrophes ever to hit northeastern

Ontario. Most of the people affected by this layoff are young men and young women; young people who have recently entered the labour market, young people with families to be concerned about, young people who have just bought a home and who now may be faced with the prospect of losing it.

What concerns me most are those 2,200 human beings who in this age of uncertainty find themselves without jobs, 2,200 young people who want to work but who are now being denied that opportunity.

One of the greatest perpetrators of this deed which is about to bring economic disaster to the Sudbury basin is the provincial government of the day, and indeed the provincial government of the past six years. The warning flags have been up for some time that all was not well in the nickel-copper industry of this province. The government was aware of it, and if it was not then it was derelict in its duty in not finding out.

I address myself to the Minister of Labour, who is not in her seat, and I ask the question: How long has the Ministry of Labour been aware of this potential layoff? What role has the employment adjustment service of the ministry played in this; and what does it intend to do about it now, other than to describe the inanities which have been put forward to this House?

The employment adjustment service was established in 1973 in response to the need to assist labour, management and the government to anticipate and respond more effectively to manpower adjustment problems. Is this service adequately prepared at this time to cope with a layoff of this dimension?

What do we do about the 2,200 people who will be laid off? The fact still remains that the Sudbury basin has some of the infrastructure and the support required to accommodate stability and growth, and above all it has the human resources to fill jobs. That being the case, every effort should be made to get new jobs into the area.

For years our party has been advocating the decentralization of government offices and their transfer to other parts of the province. We recently had a new ministry created, the Ministry of Northern Affairs. Sudbury would have been the ideal location for the new ministry offices.

Mr. Martel: No, don't give them to us.

Mr. Bolan: Instead, the head offices are in Toronto and you have two satellite offices—one in Sault Ste. Marie and one in Kenora. Why were not all of these offices set up in northern Ontario?

Mr. Martel: There're 30 jobs for us.

Mr. Laughren: Got another 30?

Mr. Bolan: When will the government provide the DREE grants that are necessary for the Eldorado refinery to be built in either Spragge or Burwash? What has the government done about creating a department of mines in Sudbury? Is there any reason why more Ministry of Natural Resources offices can't be located in Sudbury?

During the next few months, the government should embark on a plan to restructure growth and development, not only in the Sudbury basin but also in northeastern Ontario. It should embark on a plan to urge and assist primary and secondary industries to locate in this area. Does the government have some kind of plan to assist the many people who will be required to relocate in other parts of the province or in other parts of the country? I'm thinking of such assistance as the cost of relocation and moving expenses.

In view of the already depressed nature of the housing industry, what assistance is the government prepared to give to the many people who will be required to sell their homes at a loss? Many of these young people who are being laid off bought their homes in good faith with the idea to continue to work at Inco, and now they find themselves left out in the cold.

There's a very interesting document which was prepared some time ago by the Sudbury and District Chamber of Commerce. It's called, "A Profile in Failure." I understand the Treasurer (Mr. McKeough) had some difficulty in going through it. Perhaps he might want to try to read it again to adopt some of the policies which are recommended by the chamber.

Lastly, I address myself to the people of Sudbury and to those people of my own riding who are also affected by these layoffs. To these people I say this: The hour may be dark, but through it all they will somehow come through, because with the strong will and determination of which northerners are made they will overcome this abysmal moment. Thank you, Mr. Speaker.

Mr. Laughren: We have gone that route before.

Mr. Deans: Why do you have to keep doing it time after time?

Mr. Acting Speaker: The hon. Minister of Northern Affairs.

Mr. Deans: Disaster speaks.

Hon. Mr. Bernier: Mr. Speaker, as a northerner, as a person who was born, raised and lived in the north and represents a rid-

ing that is resource based, and having lived in a community that is resource based and suffered through the problems that Sudbury is facing today, I join this emergency debate with a great deal of enthusiasm.

The reduction in employment at Inco Metals in Sudbury by 2,800 jobs, 2,200 of them through layoff by the end of January and the rest apparently by attrition by mid-1978, is an extremely serious blow to the Sudbury area, and to the workers and families who are directly affected. This is one of the painful and frustrating aspects of the economy of northern Ontario, underscoring as it does the vulnerability of our resource-based industry to world commodity market conditions.

Mr. Laughren: Always the apologist.

Hon. Mr. Bernier: I am speaking today as the Minister of Northern Affairs, and while my first concern is for the welfare of the people in the communities of the north, I must also recognize that all the people of Ontario are directly affected by what is happening in our nickel industry.

Apart from the automobile industry, the mining industry accounts for 25 per cent of foreign exports of Ontario. The money which flows back to Canada helps all of us in every part of this province to enjoy a more rewarding standard of living. It is not just the mine and the smelter workers at Sudbury who will suffer; we are all affected and we must all contribute to a solution.

I might say that I have been searching, in the hours and the minutes previous to my remarks here, to see if there is some solution and some ideas coming forth from the other side of the House, and I have to admit I have yet to perceive any concrete evidence that they have contributed something of a positive nature.

Mr. Warner: Get someone to read Hansard to you.

Mr. S. Smith: What about stopping the foreign operations?

Mr. Acting Speaker: Order.

Hon. Mr. Bernier: I know it is difficult for many members of the House and their constituents across Ontario to even think of difficulties in the mining industry, since it has always been such a strong and prosperous part of our economy.

Mr. Warner: If you prefer to apologize for the corporate pirates, go ahead.

Hon. Mr. Bernier: Years ago, when Canada provided up to 90 per cent of the world's nickel, this was less of a problem.

Mr. Deans: Of course, that might have been when we should have moved.

Hon. Mr. Bernier: However, our share has now fallen to about 30 per cent and there are—we must realize this—20 other major producers in the world today. The world economic slowdown, plus increased competition, have both contributed to the present problem.

I am informed that production cutbacks have already been made in such places as Australia and the French operations as well.

However, as serious as the current problem is—and it is serious, make no mistake—nevertheless I believe that some of the statements which have been made about Sudbury having its heart cut out and predictions that it will be on its back by 1979, are in danger of compounding the problem.

A time of setback, among people of determination such as the northerners are, should also be a time for a realistic assessment of our situation. Fortunately, the resource-based economy of the north, even though vulnerable to world market conditions, has sufficient variety to ensure continued overall strength. Its position is in fact, one of great strength.

I'd like to quote a brief paragraph from the Wall Street Journal of today, October 21, which says:

"While metal markets have been weak for the past three years, Inco has steadfastly maintained the policy since 1975 of continuing high levels of production and building inventories for an expected surge in demand which has not materialized."

Mr. Laughren: By choice.

Mr. Martel: Carter gave that statement.

Hon. Mr. Bernier: The prospects at Elliot Lake look particularly good, with long-term production planned well into the next century. Gold prices are strengthening and the soft wood lumber industry has had an excellent summer, because housing starts in the United States have been unusually high and domestic production has not been good. The demand for Ontario lumber has been strong and prices have been excellent. We are heading into the expected seasonal downward trend, but the prospects for soft wood lumber are very good.

In addition, the longer-term prospects for Sudbury itself remain very strong. Predictions are that the demand for nickel will once more expand greatly by the early 1980s. It should be noted that the mines being closed are being maintained. This is an important point. Those mines that are being closed are being maintained on a standby basis and will be ready for reopening when market conditions permit.

Unemployment in the Sudbury area has been running at an unacceptably high level and this cutback will make it even worse. However Sudbury is far from dead. Its skilled and industrious work force, and its efficient mining and processing facilities, put it in an excellent position to meet world competition once world demand picks up. Remember, there are still 50,000 jobs in Sudbury overall. After these layoffs, the mines and the smelter will still have a work force of approximately 20,000 people.

The Ministry of Northern Affairs is in the process of establishing an office in Sudbury to manage our regional priorities budget as it applies to all of northeastern Ontario. This budget is approximately \$50 million for the purpose of stimulating economic growth and for the creation of jobs in northern Ontario.

Mr. Laughren: That will solve it. Thanks a lot.

Hon. Mr. Bernier: Our staff has been holding ongoing discussions with the regional municipality of Sudbury for the purpose of providing financial assistance to help the region carry out studies aimed at encouraging local production of products and services. We will also begin negotiations with DREE with a view to accelerating the essential investment in services and to promote industry and job creation projects in that particular community.

While the nickel industry is and will continue to be the cornerstone of the Sudbury economy, there is a strong and diversified secondary and tertiary industrial base there. It has a skilled and mobile work force, and the long-term future of the mining industry there is excellent. The problem we face today is for the short term, and we are taking steps to deal with it.

I think we are all encouraged by the decision of the federal government to relocate the taxation data centre from Ottawa to Sudbury. This will provide 110 permanent jobs and 1,400 temporary jobs.

Mr. Germa: Yes, all for miners.

Hon. Mr. Bernier: The annual payroll will be about \$5 million.

Mr. Laughren: Do miners get those jobs?

Hon. Mr. Bernier: As my colleague, the Minister of Labour pointed out yesterday, a number of us in the cabinet will be going to Sudbury shortly to meet with union leaders, mine officials and municipal leaders—

Mr. Foulds: Sixty of those jobs will be moved from Thunder Bay. You extract it from one part of the north to give it to another part of the north.

Hon. Mr. Bernier: —to assess the situation to receive first-hand reports and proposals and discuss ways in which we can assist further.

Our government will also make representations to the Environmental Assessment Board and Atomic Energy of Canada Limited to request an early resolution of the radon gas issue at Elliot Lake and the provision of necessary safeguards so that planned expansion of employment can proceed in that area.

As the minister responsible for Ontario Northland Transportation Commission, I am ready to enter into any serious discussions about any modes of transportation to match jobs with people using our facilities of trains, buses and aircraft. The series of initiatives which this government has taken in northern Ontario over the past few years, by the establishment of the new Ministry of Northern Affairs—

Mr. Foulds: That was some climax.

Hon. Mr. Bernier: —has been a tangible demonstration of our faith and commitment to the people of the north.

Mr. Deans: That's nonsense.

Interjections.

Hon. Mr. Bernier: Certainly the problems of the nickel industry, which we have not been accustomed to expect, are a painful setback for all of us.

Mr. Laughren: We are embarrassed by you. The albatross of the north.

Hon. Mr. Bernier: However, we have a lot going for us in northern Ontario. We have people of faith, of determination and of energy who are capable of overcoming adversity.

Mr. Warner: Put on a happy face.

Mr. S. Smith: All you lack is leadership. The ingredients are there but the cook isn't.

Hon. Mr. Bernier: We have a resource base. I invite the Leader of the Opposition to come to northern Ontario and visit with me. Let him come and see the enthusiasm of those communities. We have a resource base which we are going to develop for the benefit of all the people of this particular province. We have a government with a commitment to the north and a capacity to help the people there to realize their fulfillment.

Finally, only someone who doesn't know the north, or a pessimist, would have one think that adversity can cut the heart of any part of northern Ontario; but they have never seen or felt that heart.

Mr. Deans: Oh stop it, Leo; that's just nonsense.

[12:15]

Mr. Germa: Mr. Speaker, it's a little difficult to rise on this subject matter. As a longtime worker at Inco, I have been through this many times in a long career in this kind of an industry. My father went through it, as well as my grandfather. The contribution which this one family has made in the production of wealth and the development of the city of Sudbury—this contribution has no recognized equity whatsoever, as far as Inco is concerned, or as far as the government of Ontario is concerned.

It is obvious from the statements here today by the Minister of Northern Affairs and the Minister of Labour, and the Premier, in fact, that the meeting with Inco was a disaster, because none of these three honourable people chose to report and tell us exactly what transpired, other than to say that Inco said, "We were a bunch of fine fellows and we'll work very hard and we're very industrious." The minister didn't tell us what position they put to Inco, what demands they made upon Inco and what were its responses.

Mr. S. Smith: That's right.

Mr. Germa: All they came to us with was—and from three sources, I get this same message—that they do not understand, and they fail to understand, and I can recognize why they do not understand, what is going on in northern Ontario and in the city of Sudbury, because they do not have someone on their benches who understands the mining industry, who has ever participated in the mining industry, including that man there who has ruined northern Ontario, the former Minister of Natural Resources and now the Minister of Northern Affairs.

There's the popular mythology coming from across the floor that we are still a bunch of packsack miners in Sudbury and in northern Ontario. In fact, all we have to do is put our junk in our packsacks and wander off to Elliot Lake, or wander up to Kirkland Lake—

Hon. B. Stephenson: That may be your impression, but it isn't mine.

Mr. Germa: —or wander here, there and everywhere. That might have been true at the turn of the century. Fortunately, that has gone for most of us. I was born and raised in that city, and my mother was born and raised in that city some 80 years ago. We are no longer packsack transient miners and should not be treated like that any further.

We have the same feelings of insecurity as those people who live down in the southern part of the province. Yet we haven't got something to attach that security to. We do not have land, as the farm grants security to the people in the farming communities of southern

Ontario. All we have is our contribution to the mining company and their contribution to the wealth and the prosperity of Ontario. And yet the government gives us no recognition. "Just pack your packsacks and away you go, boys, to Elliot Lake."

Hon. B. Stephenson: What an idiotic reaction.

Mr. Germa: The members know what happened in Elliot Lake. We did that about 10 or 15 years ago. You remember when Elliot Lake had 30,000 souls in it. We sank 14 shafts when we should have sunk only four shafts—lack of planning by this government, and this gang was in power then. Then all of a sudden the bottom fell out of the barrel there.

A particular friend of mine, a person who worked in the industry in Sudbury, was attracted to Elliot Lake because of the availability of jobs. When he left Elliot Lake, he sold his \$19,000 equity in a home he had acquired for exactly \$1. He got \$1 for his total investment in his home in Elliot Lake. Why did he bother selling it for \$1? Just to secure his name with Central Mortgage and Housing so that he might go back some day and get a loan, in case he got located somewhere else, because if Central Mortgage forecloses on you, you cannot ever get another loan. Those are the kinds of things the government has been perpetrating on the people who choose to participate in the mining in Sudbury.

The local union in the area had a premonition that the curtain was coming down, because of the attrition which has been going on in Inco since the first of the year. They saw that Inco was not hiring or replacing those people who were leaving due to quits, deaths or pensions, and they did make a proposal to Inco. These are the kinds of things I hoped the people who met with Inco yesterday would have proposed.

Mr. Laughren: Fat chance.

Mr. Germa: The local union has proposed that there be some changes in the pension plan to encourage those people with long seniority to get out of the road, because 65 years old is just a little bit too old for a guy to be down there. I think it's a little difficult even for a 20-year-old guy down there. But here we have people still underground at age 65, because the pension is not adequate to encourage them to remove themselves from the work force to make room for those younger guys who are a little bit stronger and who really need the job more than the person with age and seniority.

The subject of overtime seems to be a rather simple one that this government could approach Inco with. You could even approach it on the floor of this Legislature.

Hon. B. Stephenson: We did.

Mr. Germa: Why didn't the minister tell us what the response was? You see, she failed to report what she did. We sent her to Inco yesterday and she came back to give us a bunch of gobbledegook about Ontario being strong, that northerners are tough and we shall survive.

Mr. Lewis: Because they went on their hands and knees. Prostrate, the minister went to Inco. Crawling to Inco.

Hon. B. Stephenson: I would never prostrate myself. Certainly not to you.

Mr. Martel: No—to Inco.

Hon. B. Stephenson: Not to Inco, either.

Mr. Lewis: Oh, yes you did.

Mr. Acting Speaker: Order, please.

Mr. Germa: All you brought back was "Pack your packsack."

Hon. B. Stephenson: You weren't listening. Just open your ears.

Mr. Germa: All she failed to say was, "Will the last guy out turn out the lights?" For Christ's sake, that's all she got left for us. Pack your packsack and turn off the lights. She is a disaster. There's no use sending a boy to do a man's job. I don't know why we sent her down there yesterday.

Hon. B. Stephenson: Right. I am not a boy nor a man.

Mr. Germa: I would like to have been a fly on the wall in Inco's boardroom yesterday, sitting on that mahogany—

Hon. B. Stephenson: You haven't used your eyes, let alone ears.

Mr. Germa: —and listening and watching her kotow with her cap in hand. It would have been good. And that fellow over there—

Mr. S. Smith: Why can't the Arabs and the Jews settle their differences in a Christian manner?

Mr. Germa: —standing there with cap in hand, bowing to these potentates. I know how you treat those birds.

Hon. B. Stephenson: How?

Mr. Germa: Why didn't you do something about the overtime which is presently being worked at Inco?

Hon. B. Stephenson: That was one of the questions that was raised.

Mr. Germa: What's happened? Why doesn't she tell us? Is she ashamed?

Mr. Acting Speaker: Order, please.

Mr. Germa: Why didn't she tell us when she had her time on the floor?

Mr. Acting Speaker: Will the member please continue. I would ask him not to ask questions and I ask the members on the government side not to respond to rhetorical questions. The member for Sudbury, please continue.

Mr. Germa: I don't expect an answer to the question because this person had plenty of opportunity to give us those answers when they were put to her yesterday. She failed, she was a disaster, and she should not be sent on any other mission of such a crucial nature.

Hon. B. Stephenson: Good, fine.

Mr. Germa: Of course, there might be some political reality to consider because this government has, of course, nothing to lose in the riding of Sudbury, Sudbury East or Nickel Belt. Is that why it can accept this major decision by this company so calmly? It is not concerned about it because it has no political gain to make there, no political losses to suffer.

Hon. Mr. Bernier: What are you doing about it in Manitoba?

Hon. B. Stephenson: What an asinine remark.

Hon. Mr. Davis: That's very cheap.

Mr. Germa: You know it's true.

Hon. Mr. Davis: That's cheap.

Mr. Germa: Everything this government does has political content.

An hon. member: It certainly does.

Mr. Germa: They do nothing unless they count ballots, and I've seen that during my time; that's how callous this government is.

An hon. member: You and every ministry.

Hon. B. Stephenson: Absolute utter nonsense.

Mr. Acting Speaker: Order, please.

Hon. Mr. Davis: Bud, you may work that way in public accounts, but we don't.

Mr. Germa: Another question that should have been raised concerned bonus workers underground in the mine. You know what this does to production. Bonus is probably one of the most destructive things that still permeates the mining business. We've got rid of bonus payments in most other industries and yet it persists in the mining community.

I think bonus should be abolished from the underground process because this drives a person into overproduction. It also is the

reason for many of the accidents and the high injury rates that we have underground.

Special vacations should also have been discussed with Inco. These are the things that my union has been raising with Inco since June, July and August. The union cannot get an answer from Inco on these five basic points.

I was hoping that the full weight of this government, as the member of the Liberal Party said, would be brought to bear. They are the greatest bunch of lightweights I ever saw. There isn't a heavyweight on that side of the bench.

Mr. Cassidy: All dead weights.

Mr. Peterson: I wouldn't say that.

Mr. Germa: You didn't raise the proper issues. You went in and commiserated with Inco about the deteriorating world market—

Hon. B. Stephenson: Were you there?

Mr. Germa: —which Inco participated in producing. It was Inco and Falconbridge that created the glut on the market.

So we really haven't got any information; but those are five points that you can still keep in your bonnet.

Hon. B. Stephenson: Or my cap—which?

Mr. Germa: And if you ever get back to talk to the boys in their boardroom you might raise those points.

There is one more thing I want to raise. I am in the position now of a person in a lower room when a fellow above drops the first shoe.

Mr. Acting Speaker: I would point out to the member for Sudbury that his time has expired.

Mr. Germa: Just for one moment. The person is waiting for the second shoe to drop. What I am waiting for is this whole subject matter of deep sea bed mining to arise. Did you talk to Inco about deep sea mining? What is going to happen to the community of Sudbury when deep sea nickel nodules start coming to shore?

Mr. Haggerty: Mr. Speaker, I want to add some remarks this morning and to express my views concerning the recent Inco Metals announcement of the massive layoff in the Sudbury basin and in the Port Colborne area too. It amounts to about some 3,200 employees across the province of Ontario.

I stand before the House not representing northern Ontario or southern Ontario but representing members of the Legislative Assembly, all of the province of Ontario. I am deeply concerned about the situation in the city of Port Colborne and the Sudbury basin and I stand here this morning to support my

leader's comments relating to the Inco operations in other countries throughout the world.

Perhaps much of this problem has been caused by the surplus of nickel in Canada and throughout the world. My leader is right when he talks about the wealth taken from this province to assist other countries in the development of their industries. Too often as politicians we seem to forget that labour is the father and the active principle of wealth. Much of this wealth has been taken from the province of Ontario to establish new industries throughout the world for the Inco operations—

Mr. Foulds: How can you say that and be a Liberal?

Mr. Haggerty: —and this no doubt will add further to the surplus of nickel products throughout the world. I think it will have a serious impact further on—perhaps in the year 1978. Reading from the news release from Walter Gray representing Inco Metals—

Mr. Lewis: He used to represent the Algonquin Wildlands League.

Mr. Haggerty: —it says: "They are designed to ensure a meaningful reduction in 1978 of nickel inventories which we have built up, beginning in 1975, by maintaining Inco production in the communities in which we operate at levels well above levels of Inco sales. However, further production cut-backs may be required. These will be made if and when indicated and could occur in the first half of 1978."

Hopefully there are government members, the ministers on the other side, who will have more dialogue with Inco Metals concerning their future productions in the Sudbury basin and the nickel refinery in the city of Port Colborne and the operations in Manitoba.

I want to add a few more comments relating from "Reaffirming Ontario's Budget Strategy for 1977" by the Treasurer of Ontario. On page 14, in the conclusion of this report, he says: "The government's budget plan for 1977 implements a fiscal policy appropriate to the needs of the Ontario economy, and makes wise use of our financial resources. The economic outlook is steadily improving, assisted by built-in fiscal stimulus in excess of \$1 billion." It goes on to say, "lower interest rates and recovery of the economy of the United States."

How often have I stood in this House and said that if we have to depend upon the economy of Ontario based upon the economy of the United States we are wishful thinkers, because it is not going to happen. It goes

on to say: "I believe this recovery trend will continue throughout the year and into 1978. I will be monitoring the situation closely and I am prepared to consider supplementary action to stimulate the economy in selective areas."

Let's see what he is going to do with the city of Port Colborne which has had to absorb the loss of the Algoma Steel industry. They closed their plant down. The Treasurer says:

[2:30]

"This government's record of achievement in fiscal and economic policy is second to none. In 1971 and again in 1975, Ontario led the way in Canada in the early and timely implementation of expansionary fiscal policy to stimulate economic growth and to create a great number of new job opportunities our people demanded. We have shown equally good judgement in recognizing the threat of inflation and in bringing forward policies to protect our high standard of living and enhance our bountiful opportunities."

When one reads that quotation, I wonder what the government is going to do in this situation. The experts in the economic field have already indicated that there is no upswing in the Canadian economy, not even in the province of Ontario. So no doubt about it, we are going to have to look for some drastic action from the government to bring in an employment strategy program. This is something the Minister of Labour has referred to in the past, but we haven't seen anything in that line whatsoever.

We have no economic policy for an employment program in Ontario, based upon those comments I have just spoken of.

Mr. S. Smith: No industrial strategy.

Mr. Haggerty: No industrial strategy whatsoever, and there is no outlook for any such a program.

Mr. Breithaupt: Not since the day of Jack McNie.

Mr. Haggerty: We have had no dialogue with industry in the province of Ontario, as was indicated by the Minister of Labour this morning. All of a sudden everybody wants to jump on the bandwagon and meet with Inco Metals because of this layoff. The ministers didn't think about that when the first notice of a layoff in September had affected the employees of Inco's refinery in Port Colborne. There was nothing mentioned about that. They had warnings then, a month ago, and they have warnings now, by the press release from Inco Metals, that there will no doubt be a further layoff in 1978 unless economic conditions change in the metal

industry in Ontario and throughout the world.

Perhaps one of the things that caused the problem of Inco's sales of nickel relates to the collapse of the steel industry in the United States, and Mr. Speaker, I want to quote to you an article from the *Globe and Mail* of October 14, 1977. This related to the St. Lawrence Seaway tolls, and Mr. John Childe, general manager of the International Great Lakes Shipping Company, was presenting a brief to the hearings in Washington. The article says:

"The port economies would lose that amount because proposed toll increases on steel and steel products would drive shippers away from the St. Lawrence Seaway to east coast or Gulf of Mexico ports," he said.

"The toll for moving a ton of steel through the Seaway would rise to \$1.95 from 90 cents.

"This year," he said, "1.4 million tons of Far East steel moved into Great Lakes ports, but Japanese shippers predict 80 to 90 per cent of their steel would be diverted to Gulf ports."

He goes on to talk about losing 200,000 tons of steel that would normally be brought into North American cities and ports. Look at the situation in the United States, in particular as it relates to Buffalo, NY, which I live close to. They have massive unemployment in the steel industry there. I understand that Youngstown, Ohio, has almost collapsed because of the cutbacks in the steel industry in the United States.

The point I wanted to bring to the government's attention is the matter of imports of metals into Canada and the United States. It's happened to the United States, it could happen to Canada, and it could particularly happen to the industry in Ontario. A number of the government members were over in Japan on a trade mission and hopefully they are not going to bring in steel to the province of Ontario, because we can look to see the steel industry disappear too.

I think we should be looking for tariffs on steel and for other things to be increased to protect workers in Ontario and perhaps throughout Canada.

Perhaps to sum it up I should quote Walter Gordon, whom I strongly support in his views on Canada's economic problems as they relate to foreign investments in Ontario and throughout Canada. He says: "Unless we regain control of the Canadian economy, we shall gradually and imperceptibly lose an increasing measure of our political as well as our economic independence."

Based upon those comments, I suggest the government should be looking in that direction so that we, along with industry, do have control of Ontario's economy. I don't think that Inco, or any other company in Ontario, should have the right to put on the brakes or pull the plug and say, "We're going to have a layoff." Those days should be gone. Government must come through with an economic strategy of job employment to protect workers.

Mr. Acting Speaker: I must inform the hon. member his time has expired.

Mr. Haggerty: It's regrettable that those persons working in the industry, particularly at Inco Metals in Port Colborne, who I know very well and who thought they had job security, went out and purchased homes and other goods and now all of a sudden, there are no jobs for them. It's time that we as members of the Legislature forgot about politics and got on with the business of creating job enrichment programs for the people of Ontario.

Hon. F. S. Miller: Mr. Speaker, this is the kind of issue which probably polarizes the Legislature more than most issues we discuss here. If I tried to synopsise what I've heard from the previous speakers today and put them into parties, I would say from the NDP we've heard "nationalize" and from the Liberals we've heard "gloom and doom"—or perhaps a variation of "Stop the world, I want to get off."

Mr. S. Smith: The Tories are the government; let them stop it.

Hon. Mr. Kerr: How? If they say no, what do we do?

Mr. Acting Speaker: Order, please.

Hon. F. S. Miller: In the title of a book, "Stop the World, I Want To Get Off"—that was the attitude taken, I thought.

Mr. S. Smith: The minister is a multi-national apologist.

Interjections.

Mr. Acting Speaker: Order, please.

Hon. Mr. Kerr: If the Liberals are in favour of nationalizing, let them say it. If they say no, what do we do?

Mr. Acting Speaker: Could I ask the members to give their attention to the hon. minister?

Hon. F. S. Miller: I have too much respect for the intelligence and the honesty of the leader of the NDP not to believe that he believes what he said today.

Mr. Lewis: I believe—certainly.

Hon. F. S. Miller: I accept that. I don't find it hypocritical at all. I find it difficult to reconcile with some of the statements he made earlier. For example—I'd like to quote him: "I haven't the slightest intention of bringing any of the major sectors of the natural resource area under public ownership. It doesn't make sense to me."

Mr. Lewis: That's right.

Ms. Gigantes: Some companies—

Mr. Lewis: And in this instance I say they have gone too far.

Mr. Kerrio: That's what is called a flip-flop.

Mr. Lewis: No, it isn't.

Mr. Acting Speaker: Order, please.

Hon. F. S. Miller: It is simply a quotation I recall having been made to which his colleague, the hon. member for Sudbury East, replied: "I personally was one unhappy with Stephen's statement. I wished he would have been frank and said, 'We're talking about development and exploration by a Crown corporation and the development of new mines by the government of Ontario.'"

If nothing else, this issue has brought those two points out into the open and has made it obvious that the NDP would nationalize all the resource industries in the province of Ontario.

Mr. Deans: It is quite obvious the government doesn't have a policy.

Hon. Mr. Bernier: There is an internal fight over there—

Mr. Acting Speaker: Order, please. The minister has the floor.

Hon. F. S. Miller: At the same time, respecting the intelligence of the leader of the official opposition I can't believe he really means what he said today. I can't believe he thinks that in a world with as many suppliers of nickel, in a world with as many sources of capital today, he really thinks a company like Inco can say, "If we don't develop the resources of Indonesia, no one else will." That is just sheer poppycock. It's sheer idealism, a sheer finger-in-the-dike attitude; that's all that is.

Mr. S. Smith: We can't compete in that market!

Hon. F. S. Miller: Sir, I was quiet while the hon. member spoke.

Mr. S. Smith: The minister obviously wasn't listening.

Hon. F. S. Miller: I was listening; I was shocked. I bet his own party was shocked. I saw some of them starting to move out to the

back. Let's realize, though, if I am sad about anything, it is—

Mr. S. Smith: Sudbury first.

Hon. F. S. Miller: —if I could quote one of the members who spoke earlier—the Pavlovian reaction, perhaps of all of us, to a set of preconceived ideas as to what is the cause and how one resolves it.

Ms. Gigantes: It is not a psychological problem.

Mr. Laughren: Stop preaching.

Hon. F. S. Miller: I'm not preaching. I'm looking for solutions; I think that's the key thing we all have to look for in a case like this.

Mr. Warner: It's the government that is closing the mines.

Hon. F. S. Miller: We have to assess the world situation, assess our part in it and determine what in fact we can do to maximize employment and the creation of wealth in our province.

Mr. Foulds: Tell us.

Hon. F. S. Miller: Throughout the remarks of the previous speakers, there was often the comment that wealth has been taken out of Ontario and put somewhere else. My friends, that wealth was created in Ontario by the creation of those mines. Until such time as the men, the capital and the effort was put there, nothing came out of this country.

Mr. Lewis: It doesn't become wealth until the workers produce it, for heaven's sake.

Hon. F. S. Miller: I'm interested in the 92.5 per cent of the wealth created by the mines in this province which stays with us, which stays with our workers, which stays with the government of this province—

Mr. Warner: Nonsense.

Hon. F. S. Miller: —which prevents us from having to have welfare programs to support unemployed people. I'm interested in finding ways and means of making sure these people have jobs in the future.

Mr. S. Smith: Very naive.

Hon. F. S. Miller: Perhaps I am. I happen at least to represent the government in this issue.

Mr. S. Smith: You do, but you're both naive.

Hon. F. S. Miller: Let's look at a couple of the problems. First of all, we, and I'm sure all of us, have been aware of the problems of the nickel market in the last few months, in fact, the last couple of years. Companies have learned to live, as you've all admitted, with the cyclical nature of the business. There were

good years—1974 was a top-grade year—and there have been bad years—1976 and 1977.

Companies have learned to try to level their production for the sake of their profits, of course, and also for the sake of their employee work force because we admit that there are highly competent people working in Sudbury. Probably the most skilled and probably the most efficient miners in the whole world live in that area—

Mr. Laughren: Look at the way they're being rewarded.

Hon. F. S. Miller: —and they deserve protection and they deserve our support.

Mr. Lewis: This is their reward.

Hon. F. S. Miller: Companies have tried then to estimate sales and to produce so that when the inevitable upswing occurred they would have had no more than an adequate inventory. The figure is roughly \$1 billion worth of nickel that is sitting in storage in Ontario. I don't know how much copper because we tend to forget Inco produces as much copper pound for pound as it produces nickel. Both of those metals have been down of late.

I would assume that is costing them between \$80 million and \$100 million a year in interest charges alone at the present time. Having realized that the market in the last few months has dropped precipitously, I suppose that was the cause for the action. They might have turned then and said, "Let's look overseas and see what we could do. Let's stop offshore processing. Let's stop investment in new capacity overseas." As far as the offshore processing is concerned, the whole nickel market has changed in the last few years. Instead of requiring entirely refined nickel, the steel companies of the world can handle other materials.

Mr. S. Smith: Seventy-five per cent matte.

Hon. F. S. Miller: Sure, matte. No argument at all. We, in turn, are recognizing that. At the same time, to assume that if we didn't allow the matte or some of these products to leave under section 113 of the Act we would somehow be protecting jobs here, I think is a wee bit naive, because the other sources of supply are immediately there to take up the slack now that other sources are available.

Mr. Laughren: Where were you then?

Mr. Lewis: It is now too late.

Hon. F. S. Miller: No, it isn't. It's never too late.

Mr. Lewis: Ten years ago the Minister of Northern Affairs threw it away.

Hon. F. S. Miller: You fellows have preached consistently that nothing should be

shipped out unless it was totally processed. What we have done, through our tax plan—

Mr. Martel: You have allowed everything to be shipped out unprocessed.

Hon. F. S. Miller: —we have created incentives to smelt and refine in northern Ontario and those tax incentives are very real. In the most recent case, Texasgulf, have caused a major industry to be built as a result of them. They are creating employment in northern Ontario and will continue to do.

Mr. Martel: What did Falconbridge do to you?

Mr. Kerrio: How can you criticize what our leader did?

Hon. F. S. Miller: As far as overseas new capacity goes, let's realize that when Indonesia, for example, was proposed—not by us, not by Inco, but by, I believe, the state of Indonesia—they asked for a number of companies to enter into the agreement. Which is better in that instance? To put \$1 from Canada with, say, \$3 or \$4 of foreign currency and, therefore, have an interest in overseas operations which easily could have gone to Russia, which easily could have gone to other foreign countries?

Mr. Lewis: Oh, this is Inco protecting the free world, is it?

Hon. F. S. Miller: Not necessarily protecting the free world—

Mr. Lewis: Making Indonesia safe for democracy.

Hon. F. S. Miller: —but I have heard a great deal from the socialists over the years of our responsibility towards underdeveloped nations.

Mr. Lewis: Inco is being responsible to Indonesia by wrecking their economy?

Hon. F. S. Miller: I said "our responsibility." We have that responsibility and we are living up to it.

Mr. Lewis: It is a new definition of the multinational ethic.

Hon. F. S. Miller: It is better to have our own corporations with some interest and with their expertise in these world markets, protecting Canadian interests rather than competing with a Zaire-like copper economy—

Mr. Foulds: How are they our own corporations?

Hon. F. S. Miller: —where the sole purpose of the generation or sale of that material is to generate foreign hard currency.

Mr. Foulds: They don't consult with you. They don't let you know ahead of time. You have no control over them.

Hon. F. S. Miller: At least, in this case, we would say there was more chance for that kind of thing to happen.

[12:45]

Mr. S. Smith: We agree.

Mr. Foulds: It is not called International Nickel for nothing.

Hon. F. S. Miller: No argument—and thank goodness, I understand more of the shares are held by Canadians than by any other race in the world. That didn't used to be so but I'm told it is now true.

Mr. Martel: They're widely held.

Hon. F. S. Miller: In summary, you really can't sell what the market won't buy. We have watched these companies struggle and we, in turn, are going to do our best to ensure that we work hard to protect the workers in that area—

Mr. Martel: Struggle?

Hon. F. S. Miller: —by finding ways and means of stimulating their future.

Mr. Lewis: This is obscene.

Mr. Martel: Mr. Speaker, I want to tell you that I've watched Inco struggle from the year I worked there in 1954 when they made a \$90 million profit. They've been struggling with that type of profit ever since.

Hon. F. S. Miller: Then you had better hope they keep making it.

Mr. Martel: The interesting part about these layoffs is that the only people who could match Inco and Falconbridge are the government of Ontario when they closed Burwash. Overnight, the fourth largest employer moved out and Potter said "we don't run an employment agency," and 250 jobs were moved out. The government is to be complimented for that.

Mr. Deans: You don't even run a government.

Mr. Laughren: Real policy.

Mr. Martel: There are two solutions to this problem. The short term: I suggested to the Minister of Natural Resources on September—and to this date he hasn't had the courage even to respond to the correspondence—that in the short term the government should enact legislation which matched—

Hon. F. S. Miller: On a point of privilege.

Mr. Martel: —that which the United Auto Workers had worked out with the auto industry—

Hon. F. S. Miller: Call me anything you want but don't use the words "lack of courage."

Mr. Martel: Why not?

Ms. Gigantes: When it's true?

Mr. Martel: What did it demonstrate? Mr. Speaker, let me continue. I suggested then that we enact legislation similar to that between the UAW and the auto producers where the mining companies would have to contribute to a fund which they would build up and if the men were laid off because of bad production planning, they would then be forced to give an additional 30 per cent over and above the unemployment insurance benefits to that group of workers.

If you want to rationalize the mining industry, rather than give them our shirt, it's time that we did it that way. We tried it at Falconbridge. In 1975 we gave Falconbridge two further concessions. They expanded their operation in Norway as a result. What did that mean? Did it mean that they ever intended to produce or to refine in Ontario? No way. It meant that they were expanding that operation and we would suffer the consequence.

Two years later, Falconbridge shut down for a month and then laid off 350 men. Again the government demonstrated its lack of courage. It shut down in September when the union wanted it to shut the whole operation down while the men had vacation pay and could have taken a month off without losing a cent of salary. As it was, they lost two weeks' salary and then they had to rely on the public treasury to give them two weeks' unemployment insurance.

Where was this government? That announcement was made in the first week of August and the government was hiding its head in the sand like an ostrich. It could have moved in and said, "Wait a minute. Let's take the shutdown when the men have vacation coming to them." The Minister of Natural Resources demonstrated his courage. There was none. It was wanting.

The second solution, and I'm glad the Premier's here because he smiles when we talk about nationalization over here.

Hon. Mr. Davis: No, your own leader smiled.

Mr. Martel: Let me tell you about your party. Let me tell you about your colleagues.

Mr. Lewis: I smiled at the explicit way he put it. That was fine.

Mr. Martel: I sat on a select committee—

Hon. Mr. Davis: Your colleagues behind you couldn't see you smiling. I was smiling at you.

Mr. Martel: I sat on a select committee, Mr. Speaker, with your predecessor, who chaired the select committee on economic and

cultural nationalism. Isn't it interesting that seven Tories over there, five of them still in; two of them cabinet ministers; one just resigned because he didn't agree with the Premier on something, the member for Carleton (Mr. Handleman); the Minister of Agriculture and Food (Mr. W. Newman); the former Speaker (Mr. Rowe) and two parliamentary assistants—the member for Mississauga South (Mr. Kennedy)—signed a document calling for a 50 per cent takeover of the natural resources of this province after three and a half years of study? We moved through six countries, including Germany, Sweden and England. Interestingly, in England we met with the minister responsible for resources—

Mr. S. Smith: Jet lag.

Mr. Martel: —and this minister said: "We have taken 50 per cent of the shares in the oil industry, the best 50 per cent. That's going to help us in the long run." Do you know who that was, Mr. Speaker? A Tory cabinet minister, Chris Chataway, the long distance runner. And today it's paying off handsomely.

As we moved around these countries, Mr. Speaker, your seven colleagues over there saw that no other country allowed international people to exploit the natural resources. It remains a national prerogative. In Germany, it was the Germans—some of them free enterprisers but the government had a say. In Sweden the same. Outsiders did not exploit the natural resources in Sweden, nor in England. When we came back to Canada, let me quote what those same colleagues who helped to draft that report said in three very important positions in the select committee's report: "The policy shift should not be one of discouragement of the resource development but an encouragement of manufacturing and processing in Canada." We have done very little of that.

"One important goal of both provincial and federal resource policies should be the achievement of a strong and visible Canadian controlled presence in the non-renewable natural resource sector."

Finally: "The government should be empowered to take up 50 per cent of the equity in new ventures in the non-renewable natural resource sector."

Mr. Lewis: Right.

Mr. Martel: The minister's colleagues signed that, and such is the hypocrisy of this government as it runs around at election time—and this party, because my friend Dick Smith from Nipissing had more courage than most of them; he, along with my colleague

from Wentworth, said: "Not 50 per cent, 100 per cent." The Liberals, too, got in on the act. They played a game against the socialists over here, but they too signed that document calling for a 50 per cent takeover. In fact, the member for Nipissing called for a 100 per cent takeover.

Mr. Laughren: Not the new leader. He wants to give it away.

Mr. Martel: When we studied it, after three and a half years we came to the conclusion we could no longer export the jobs that go with the outflow of natural resources. We have warned this government as I have stood in this place for 10 long years—

Hon. B. Stephenson: Too long, Elie, too long.

Mr. Martel: It will never do anything about it. For 10 years I have argued with this government that it must change its policy on taxes to the mining industry, because we are usually getting less than one per cent return on the value of mineral production. There are no jobs. There are fewer jobs in the mining industry now, although we are producing more, than 10 years ago and it has done nothing to protect the work force.

It has done nothing to ensure jobs for our young people. It has allowed the natural resources, with all its exemptions, to continue to flow out and this is the consequence. If it does not start to process, if it does not get control of that industry, we will always, contrary to what Gillies says—Jim Gillies, that great Tory says: "We should be proud to be drawers of water and hevers of wood," and he has got the Leader of the Opposition (Mr. S. Smith) with him now. I don't know if the leader spoke to the member for Erie (Mr. Haggerty), who, if we sent it out unprocessed would see Port Colborne close down totally.

Mr. S. Smith: It is already closing because the market has changed.

Mr. Martel: No, only partially, but I am saying that should close down. "We will send it out raw." Well where do the jobs come from then? Where will the jobs which we could use those natural resources to create come from? As we become more capital intensive in that field—

Mr. S. Smith: We will refine nickel to stockpile it because no one will buy it?

Mr. Martel: —there will be fewer and fewer and fewer jobs, as the statistics indicate today, unless this government acts; not in the way the Minister of Labour said—as my colleague from Sudbury mentions—"get a

packsack and move." That isn't the approach we have to take. We have to get tough, and the sooner we do it the better, because in the long run that's the only solution in the natural resource field.

Mr. S. Smith: Get tough for the right reason.

Mr. Martel: What? So we could spread poverty around?

Mr. Lewis: That's right.

Mr. Martel: I suggest there is a short-term solution. It is that legislation be introduced next week bringing in a supplementary unemployment insurance benefit fund for those miners; it would give them an additional 30 per cent, as has been worked out with the auto industry. In the long term, take over 50 per cent of those mines, as called for by the minister's colleagues, along with the members of the New Democratic Party and the Liberal Party, and then we can get on with doing some economic planning which will lead to jobs for the young people in the years to come.

Otherwise we are dead. The exploitation will continue and we will have nothing. We have seen it in the north for too long; ghost town after ghost town, without anything to take its place.

The government has a Ministry of Northern Affairs that could help. I moved three or four amendments—

Mr. Speaker: The hon. member's time has expired.

Mr. Martel: Thank you, Mr. Speaker. When that bill came in, we moved three or four amendments which would have helped to resolve some of those problems, but the Tories rejected them all. The government is bankrupt. McKeough said it; there will be no manufacturing in the north for 20 years, the government is bankrupt.

Mr. Peterson: Mr. Speaker, I have about three minutes to wind up. I think this has been a fruitful and worthwhile debate, because I think people have been able to lay their positions, or lack thereof, very clearly around a specific issue. I think the problem has been expressed well in human terms, and I want you to know that our party associates itself in every respect with the human dislocations that are going to go on. We associate ourselves—

Mr. Deans: That is idle tripe.

Mr. Foulds: Yes, that is really nice. Send them a sympathy card.

Mr. Peterson: We associate ourselves with every constructive suggestion that will be

arising. That concerns us very deeply. What troubles me so very much about this is that we are always so late in this business. The signals were there, they have been there since 1970.

Mr. Laughren: The feds helped a lot.

Mr. Peterson: The government had a clear responsibility in my judgement, to change a lot of its policies prior to this event that was sprung on members yesterday when suddenly, out of the sky, there is a layoff of a significant number of workers. That is the greatest tragedy, because the government, in its pure, doctrinaire capitalism, is afraid to get involved, to work with the industry and work with the workers to plan some sort of constructive strategy.

Our friends to the left revealed, in my judgement, a very serious lack of understanding of the world marketplace in the nickel processing industry—the nickel smelting industry. It certainly does not conform with any of the research we have done. There are a lot of very aggressive nations in this world that are probably a hell of a lot smarter than we are, like Japan, that just won't buy processed nickel. That just happens to be a reality.

We have an option at that point. Because they are tough, they do good central planning, they believe in free enterprise, and they are only going to buy a limited number of products, we have an option of getting the government involved; intelligently, through tariff policy, through assisting on export licences for various degrees of finished products—

Hon. Mr. Davis: Provincial tariff policy?

Mr. Peterson: Look, don't give me that nonsense. We have lots of input into the federal government. We have the centre of the industry here—

Hon. Mr. Davis: Oh, yes, we have noticed it.

Mr. Peterson: We also happen to have the Mining Act here which has historically restricted some of the export of semi-finished product into foreign countries. The government must be, very clearly in my judgement—

Mr. Cassidy: What two-faced, two-headed people they are.

Mr. S. Smith: Oh, Cassidy, you are—

Mr. Peterson: —looking at that Mining Act, looking at section 113, and should have contracts awarding specific exemptions to get that product rolling. In fairness, we find that governments of the world are working at cross purposes. Japan, for example—

Interjection.

Mr. S. Smith: They are not informed, they really are not.

Mr. Peterson: Members of the government just don't understand. We find that the Japanese government, for example, only wants a specified product. The government of Ontario won't allow that specified product to be shipped, so we end up doing nothing in the middle.

Where I think we have an obligation today is to do the best we can to be constructive towards the government. In my judgement, being constructive towards the government today is not saying "run out and buy 50 per cent of Inco." That's just silly. We haven't got enough money for the things that are necessary today in this province, let alone going out and nationalizing the resource sector. If members look around the world where that is being done, there is no necessary benefit, no necessary increase in efficiency, or anything else.

It troubles me that this has become a less constructive debate, than I think it could have been, when it just revolved around the old polemic, the old line that comes up, always after the fact, in a debate of this type.

We very clearly accept our responsibility to protect the Sudbury basin. All of our policies there should be oriented towards that in the short run. We are not concerned particularly about Guatemala or Indonesia or anywhere else, and that's where the Premier has to be concerned and all of his government has to be concerned.

We have specific suggestions—I'm sorry I'm running overtime. The Speaker is getting mad at me.

Tomorrow morning the government can work on specific contracts to export specific quantities of various grades of ore to various countries. That is where it can participate tomorrow morning and it should be doing it.

Mr. Cassidy: What a sell-out.

Hon. B. Stephenson: They don't want that; not right now they don't.

Mr. Speaker: The time for this debate has expired.

Hon. Mr. Davis: Mr. Speaker, I understood from the whips there was a certain order of speakers. I would like, perhaps, with your indulgence then, on Monday, by way of a statement so that the rules will not be breached, just to sum up some of the observations and concerns that have been expressed on all sides of the House.

I would not want the members of the House to feel there weren't some other sug-

gestions to be put forward, or some observations made with respect to some of the observations emanating from the members opposite. I have not been provoked, but I just want to say, because I feel it very deeply, I resent the suggestions coming from the member for Sudbury East that in any way the fact that there are not government representatives in the Sudbury basin will—

Mr. Deans: What is this? What is going on here?

Mr. Martel: Well don't accuse me. I represent Sudbury East.

Hon. Mr. Davis: No, I'm not accusing the member. I'm sorry, the member for Sudbury (Mr. Germa)—whoever, you know to whom I am referring. I resent the suggestion that the attitude of this government, whatever policies, whatever it is we embark upon to assist the people in Sudbury in any way, will be tempered by the fact that he happens to represent that particular constituency. That has never been the position of this government.

Mr. Deans: On a point of order.

Hon. B. Stephenson: Why don't you sit down?

Mr. Germa: Tell us about the Northern Affairs office.

Hon. Mr. Davis: We can demonstrate it time and time again. I want the public in Sudbury to know that in spite of what he says, we're going to do our best to see that the people there do not suffer unnecessarily.

Mr. Speaker: Order, please. That's starting a debate.

Mr. Deans: That's out of order.

Hon. Mr. Davis: That's on a matter of personal privilege then.

Mr. Speaker: The hon. member for Wentworth. Did you have a point of order?

Mr. Deans: I'd like to draw to your attention that since the time had expired the Premier had no right to continue to speak, sir; and your responsibility was to bring him to order.

Hon. Mr. MacBeth: Your leader went well over his time

Mr. Deans: I want to say, nevertheless, since you allowed and since the Premier feels that he would like to contribute to the debate on Monday, we would find quite acceptable a suggestion that this debate be continued for an hour on Monday and that other people be enabled to add to the debate and to contribute to the final outcome.

Mr. Breithaupt: Speaking to that point of order, Mr. Speaker, we have had, this morning, opportunity for three members of the cabinet to speak. I would certainly not wish in any way to preclude the Premier from making his particular comments. If it is agreeable to the members of the House, the Premier, if he has comments to make and if it is useful that they be made all at one time, will certainly have our consent to make a statement now.

Mr. Deans: He could have had the time of the Minister of Natural Resources. He didn't say anything.

Mr. Speaker: The time for adjournment has now passed. Unless I get some direction from the House I will accept a motion to adjourn.

Mr. Breithaupt: That's our suggestion, Mr. Speaker.

Hon. Mr. Davis: I shall be very brief, if it is the feeling of the members of the House that we might conclude this debate now rather than by way of, shall we say a brief statement of 10 minutes on Monday.

Mr. Martel: Go ahead, but other people will speak.

Hon. Mr. Davis: Mr. Speaker, if it is the understanding that my contribution, short as it will be, then puts you in the position of other members wishing to speak, then I'll be guided by what you say.

Mr. Breithaupt: Let's hear it all now.

Mr. Speaker: Sessional order 30 specifically says that the debate will be concluded at 6 p.m. I take that to mean 1 p.m. on Friday. Without any specific direction from the House, I can only assume this debate has been concluded.

Mr. Breithaupt: I am prepared to move that the Premier be now heard.

Mr. Speaker: That would require unanimous consent.

Do we have unanimous consent?

Mr. Deans: Mr. Speaker, on a point of order. A motion to extend the sitting can only be made by the government House leader.

Hon. Mr. Welch: Mr. Speaker, I would be prepared to move that we extend the time for 10 minutes to allow the leader of the government of Ontario to participate in this debate.

Mr. Breithaupt: Agreed.

Mr. Martel: Mr. Speaker, I am going to move an amendment that we increase it to an hour to allow all those who want to par-

ticipate to do so, and not just make a privileged position for the Premier.

Hon. Mr. Davis: Speaking to the motion proposed by the House leader I don't want any privileged position. I did want to express some general observations.

Mr. Martel: I don't want to put the Premier off.

Hon. Mr. Davis: In light of the amendment which the member for Sudbury East says he would offer on the motion from the House leader, we are withdrawing it. I will

make a statement on Monday afternoon at 2 o'clock.

Mr. Breithaupt: I think it is regrettable that we will not have the opportunity to hear from the Premier.

Hon. Mr. Welch: I will move that we adjourn in order to wind up the debate in an intelligent fashion.

Mr. Deans: Who said it would be intelligent?

Mr. S. Smith: The man's the Premier.

On motion by Hon. Mr. Welch the House adjourned at 1.02 p.m.

CONTENTS

Friday, October 21, 1977

Dump truck licensing, statement by Mr. Snow	1007
Federal fiscal strategy, statement by Mr. McKeough	1007
Accuracy of news report, statement by Mr. Norton	1008
Quebec language legislation, questions of Mr. Davis: Mr. Breithaupt	1008
Low-rental housing, questions of Mr. Davis: Mr. Breithaupt, Mrs. Campbell	1009
Layoff of nickel workers, questions of Mr. Davis: Mr. Lewis	1009
Placement of retarded persons, questions of Mr. Norton: Mr. Lewis, Mr. Cassidy, Mrs. Campbell, Mr. Foulds, Mr. McClellan	1010
Shortage of workers in Nanticoke area, questions of B. Stephenson: Mr. Nixon, Mr. G. I. Miller, Mr. Sargent, Mr. Gaunt	1012
Ontario economic strategy, questions of Mr. McKeough: Mr. Cassidy, Mr. Peterson	1013
Property taxation, questions of Mr. McKeough: Mr. Sweeney, Mr. Davidson	1014
Allowances for handicapped children, questions of Mr. Norton: Mr. McClellan	1014
Gas company profits, question of Mr. J. A. Taylor: Mr. Ruston	1016
Water pollution, questions of Mr. Kerr: Ms. Bryden, Mr. Foulds, Mr. Kerrio	1016
Status of public servant, questions of Mr. Norton: Mr. Breithaupt	1017
Market Street OMB decision, question of Mr. Davis: Mr. Foulds	1018
Uranium prices, questions of Mr. Davis: Mr. Sargent, Mr. MacDonald	1018
French language instruction, questions of Mr. Wells: Ms. Gigantes, Mr. Nixon, Mr. Foulds	1019
Report, standing social development committee, Mr. Villeneuve	1020
Legislative Assembly Amendment Act, Mr. Williams, first reading	1020
Emergency debate: Layoff of Nickel Workers: Mr. Lewis, Mr. S. Smith, B. Stephenson, Mr. Laughren, Mr. Bolan, Mr. Bernier, Mr. Germa, Mr. Haggerty, F. S. Miller, Mr. Martel, Mr. Peterson, Mr. Davis	1020
Motion to adjourn, Mr. Welch, agreed to	1043

SPEAKERS IN THIS ISSUE

Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
 Bolan, M. (Nipissing L)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Davidson, M. (Cambridge NDP)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wentworth NDP)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carleton East NDP)
 Haggerty, R. (Erie L)
 Havrot, E. (Timiskaming PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S. (Scarborough West NDP)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 MacDonald, D. C. (York South NDP)
 Martel, E. W. (Sudbury East NDP)
 McClellan, R. (Bellwoods NDP)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
 Miller, Hon. F. S.; Minister of Natural Resources (Muskoka PC)
 Miller, G. I. (Haldimand-Norfolk L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 Peterson, D. (London Centre L)
 Rotenberg, D.; Acting Speaker (Wilson Heights PC)
 Ruston, R. F. (Essex North L)
 Sargent, E. (Grey-Bruce L)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
 Williams, J. (Orillia PC)
 Worton, H. (Wellington South L)



No. 28

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First Session, 31st Parliament

Monday, October 24, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

MONDAY, OCTOBER 24, 1977

The House met at 2 p.m.

Prayers.

COMMITTEE SITTINGS

Mr. Deans: Mr. Speaker, I suppose it's an inquiry more than a point of order, but I'll leave it to your judgement, sir, because I think it's important.

It appears that the resources development committee and the social development committee have decided to sit today, the former in order to deal with the Labour estimates. I don't want to get involved in a big battle over it, but my understanding of the way in which the structure was established was that there were certain time-frames when committees would be able to sit and that they could or could not sit in accordance with those time-frames, established by the panel of chairmen and by the House leaders.

I think we might as well get it straight right away whether it's within the competence of the committee to determine whether it will not sit at any time other than those times established. I find it most inconvenient to arrive in my office in the morning and discover that the committee, in all good faith, has decided not to sit when it was intended to sit and will sit at some other time which it deems to be appropriate but which may not be appropriate in accordance with other committees that have already been granted the power to sit at those times.

Hon. Mr. Welch: Mr. Speaker, I'm sorry that you're being troubled with this house-keeping matter, but may I speak to it?

As you perhaps know, sir, we've left the matter of committee meetings to the panel of chairmen to sort out against the background of a general timetable which had the standing committee on social development meeting on a Monday afternoon and the standing committee on resources development meeting on Monday evening, along with other allotted times set out in that schedule.

It became obvious, near the end of last week—and this information was not just communicated this morning, it was communicated near the end of last week—that the Minister of Labour (B. Stephenson) was having some problems meeting the Monday evening sche-

dule and we felt that the committee itself could work out its own details. I was advised that the standing committee, for this day only—just for today—was asking if it could meet this afternoon in order that we wouldn't lose much-needed time for the consideration of these spending estimates.

Through some inadvertence, for which I must accept some responsibility, the notice that should have been in the order paper today regarding the meeting of the standing committee on social development didn't appear, although it's been generally known for some time that this was the afternoon, and there was some confusion with respect to procedural affairs.

However, we felt we had come, among the various parties, to a very satisfactory conclusion for today only that this afternoon, following the question period, the standing committee on resources development would meet to continue its review of the Labour estimates, and the standing committee on social development would meet this afternoon to start the estimates of Community and Social Services.

The procedural affairs committee, I understand, is meeting in room 228 simply to do some organizational work, so that can go on; tonight would be general government carrying on with the Treasurer; and starting tomorrow we would get back to the regularly understood timetable.

I apologize for any inconvenience this may have caused, but we felt, really, that the House leaders would best leave committee work to the panel of chairmen to work out the details.

Mr. Deans: On the matter, if I may, sir—just to clear it up from my point of view—I, first of all, don't require an apology. I didn't expect that anyone was to blame for it and didn't say so.

Hon. Mr. Welch: We had lunch together. Why didn't you mention it at lunch?

Mr. Deans: Because I didn't know at lunch.

Hon. Mr. Welch: If you had been here on Friday, you would have known.

Mr. Deans: Yes, that's fine. I was here Friday. I was here to hear the Premier's (Mr. Davis) disgusting—

Mr. Speaker: Order, order. Will the member for Wentworth take his seat?

Hon. Mr. Welch: Stop bothering the House. Stop using the time of the House.

Mr. Deans: It wasn't brought to our attention.

Mr. Speaker: This change, for this Monday only, was brought to my attention last week and I just assumed everybody who was involved was made aware of it. It doesn't require a debate in this House. We have a panel for the express purpose of looking after the scheduling of committees and I am sure the matter is well in hand.

Mr. Havrot: The member doesn't know what is going on; stick around.

Mr. Deans: I was here. I listened to the Premier's disgusting remarks on Friday. Maybe you didn't hear them.

Mr. Speaker: Order, will the member for Wentworth come to order? That matter is closed.

Mr. Nixon: That matter of disgusting remarks—I thought it would be withdrawn.

Hon. Mr. Davis: That was unparliamentary, Mr. Speaker. Really, if I were one to take offence readily, I would ask the hon. member for Wentworth to withdraw those observations—

Mr. Deans: Then ask; don't worry, ask.

Hon. Mr. Davis: —but knowing the context in which he is engaged, and that he is feeling the heat a little bit, I will understand and not do it. I have been through it and I know what it does to the metabolism. It is sometimes upsetting.

Mr. Cassidy: That is patronizing.

Hon. Mr. Davis: Well, the member for Ottawa Centre is involved in the same process.

STATEMENTS BY THE MINISTRY LAYOFF OF NICKEL WORKERS

Hon. Mr. Davis: As you are aware, Mr. Speaker, it was my intention to make a few remarks at the end of the special debate on the announced layoffs at Inco in Sudbury, but given the continuing interest and concern about this matter I would like to make a brief statement at this time.

Let me say in the beginning that I don't for one minute question the concern that prevails in all quarters of this House as a result of the Inco announcement, and I recognize that there are and will be genuine differences of opinion as to how we in Ontario should meet this situation. I can even understand

the desire of the NDP to bring out of the closet, where it has been well concealed in months past, its fervent desire to nationalize our resource industries.

None of these circumstances in itself is overly discouraging. But I must confess, Mr. Speaker, that if the special debate was intended as a means of dealing realistically and constructively with a serious situation, the results have been both disappointing and discouraging. For, unfortunately, as is all too often the case in the face of difficult circumstances, too much time is devoted to political gamesmanship or, indeed, blamesmanship, and all too little in offering practical suggestions that would help to alleviate, if not overcome, the problems before us.

In all quarters, and I must confess, at all levels of government, people seem to want to devote their time to pointing their finger at somebody else as having been the cause of the problem, while refusing to look in a realistic fashion at the circumstances underlying the situation.

What makes it worse, in my opinion, is the tendency to advocate sweeping courses of action, which are rolled out so easily but which would be so difficult if not downright impractical to apply. Unfortunately, those notions only feed the considerable emotionalism that already exists in a community such as Sudbury at a time like this and, to a considerable extent, further the sense of despair which inevitably accompanies an announcement of a large-scale layoff of this kind.

It is not my intention today, or at any time in the future, to indulge in such an exercise. We are going to deal adequately with the immediate situation, and with other economic difficulties that will arise in the future, only if we approach it, first, with a sense of reality; second, with proposals that are constructive and practical; and, finally, with a maintained sense of confidence in our own abilities and our own long-term future.

It strikes me as rather ironic that, during a period when I hear increased calls for less government interference in the business community, there should be a rush from both opposition parties for massive government intervention the moment that a problem arises. There are also exaggerated notions as to what a provincial government in Canada can do at a time like this and this only exacerbates the situation. For while it may sound negative to some, there must surely be some kind of appreciation of the things that this government cannot do, despite its considerable influence and absolute

concern about the developments that are taking place.

Firstly, we cannot change the world market situation in respect to the sales of nickel. As much as some would like to blame us for each and every feature of the announced layoff, we do not, for example, control the steel industry of the United States which, primary among the circumstances now facing us, has reduced its demand for nickel in the short term.

Secondly, we cannot remove competition from the international marketplace. As long as nickel sources are going to be found in other parts of the world, there are going to be people willing to develop them and sell the product. If Inco does not choose to be part of that international development, others will and their efforts will show far, far less concern for the Sudbury operations than any undertaken by a Canadian corporation.

Thirdly, we are not in a position, either in terms of good business or in the wise use of public funds, to purchase and stockpile a product for which there is already a surplus supply in this world. Ramifications of that type of policy, spread across the broad front of our economic activity, are surely apparent to all of us.

What we can do, however, is give specific attention to things that can be done to assist the workers and the communities in which they live during the period when production is decreased and unemployment is created. That, in my opinion, is where we should be concentrating our attention. We should start our planning from the knowledge that we have in Sudbury the most efficient plant and work force that exists in the nickel industry today. That should give us confidence, therefore, that when the market conditions improve, Inco will be more than able to gain and hold a major share of that market. Further, it should give us some sense of hope that the situation we currently face is for the short term.

Fortunately, this province and this country have important social programs and legislation that are in place that give the people affected basic protection during these serious times. Without attempting to document a case, I have in mind, initially, the 16-week notice provided by an Act passed in this Legislature, the unemployment insurance that will ensure basic income to most of those affected by the layoff and such programs as our health and hospital insurance plan which will protect the affected workers and their families in essential areas of life.

In respect of the helpful steps that can be taken, the ministers who spoke on Friday, in

my opinion, set forth some clear and reasonable alternatives, including variations in unemployment insurance arrangements and the provision of job opportunities in other locations. It is in regard to these and all other reasonable possibilities that the meetings involving ministry officials at the federal and provincial level, along with union and company spokesmen, will gather tomorrow in order to explore the various possibilities before us and devise a constructive plan of action.

Later this week, when I have had the benefit of the counsel which will arise from tomorrow's session, I plan to sit down with the chairman of Inco to explore each and every realistic possibility that can be put into place to alleviate the hardships created by this announced layoff. In addition, as was indicated in Friday's debate, ministers of this government stand ready to go to Sudbury to talk to those involved and work with them to develop possible courses of action.

I might also say that, if it is the desire of this House, I would be prepared to initiate an appearance before the standing committee on resources development of Inco officials, so that members on all sides of this House will have a complete understanding of the difficulties that company faces, which difficulties are now affecting the company's employees.

[2:15]

In all of these discussions and debates and activities, it is imperative in my view that we maintain a sense of confidence, both at home and, just as important, abroad, in our ability to rise to a situation of this kind. I said at the opening session last Monday that we know that these are difficult times and it will take a co-operative effort on a national and indeed an international basis in order to find appropriate answers.

The Inco layoffs can be taken as a classic case in point. But surely it is apparent that those who rush to preach doom and gloom or to propose massive government intervention do absolutely nothing to enhance the reputation of Ontario and Canada in respect to future development and investment.

At the same time, it undercuts our ability to maintain within our own people, confidence that we still have a strong and healthy economy which despite the exigencies of the moment, provides us with the kind of opportunities that we need to maintain our standard of living and enhance our quality of life in the future.

So I am urging all members of the House to face up to this situation realistically, to

have confidence in our ability to deal with the situation, and let's give less time to blaming one another for the sake of political expediency and work to meet the situation that lies before us.

ORAL QUESTIONS

PREMIER'S VISIT TO JAPAN

Mr. S. Smith: A question to the Premier regarding the Inco matter. I welcome, by the way, his offer to go to the standing resources development committee, and thank him for that.

In view of the Minister of Labour's (B. Stephenson) statement on Friday that Canadian companies have been frozen out of the Japanese nickel market entirely, will the Premier tell the House if he discussed this problem during his trip to Japan? If so, with whom and with what result?

Hon. Mr. Davis: Mr. Speaker, there was no specific reference to the nickel industry in my discussions in Japan. We touched upon a number of other industries.

The question of Inco being frozen out of the Japanese market is one way of describing it. I think the other way of describing it is that, as I understand it—and these are matters that will be clarified in my discussions with the chairman of Inco—the development in Indonesia actually provided access to the Japanese market in a way that might not otherwise have been available.

I would hope that in my discussions, and some may emerge tomorrow and certainly will on Thursday, I will be able to clarify that to a greater extent for the Leader of the Opposition. I think this is a matter that deserves exploration, I hope, in a constructive sort of way, if the resources standing committee deals with this issue as I have suggested.

Mr. S. Smith: Supplementary: With great respect, through you, Mr. Speaker, to the Premier; surely given the fact that he was undoubtedly aware of the grave difficulties facing the nickel industry, and given the fact it is one of Canada's and Ontario's largest and most important industries and the fact that Japan was one of the few countries buying nickel, can he explain why he didn't even raise the matter of the nickel industry during his much vaunted and touted trip to Japan?

Hon. Mr. Davis: Mr. Speaker, I can't comment on how vaunted the trip to Japan was in the mind of the Leader of the Opposition.

Mr. Nixon: How about touted?

Hon. Mr. Davis: Or touted; I really can't comment on those two descriptive terms. I can only say to the Leader of the Opposition that in my discussions, which were by and large general in nature, we really were suggesting to the Japanese business community that we would like to sell more of our products from Ontario to Japan; and secondly, we wished to see some joint venture development in the province of Ontario using Japanese technology—and to a certain extent financing; although, as the hon. the Leader of the Opposition knows full well, the extent of equity financing in Japan is somewhat less than traditionally, it is here in this jurisdiction.

I should also point out to the Leader of the Opposition that while Japan is still making quantities of steel, the fact of the matter remains that their own domestic market is down—their own internal orders for steel have somewhat diminished, and this is true of their total economy—and this was one of the reasons some of them are less enthusiastic at the moment about making investments either in this country or in several others.

I also pointed out, during that much vaunted and touted tour, which I found extremely interesting but somewhat tiring, that one of the problems we face is the perception that exists, or lack of understanding, of the political situation in Canada, and partially some of the decisions that have been made.

I would point out to the Leader of the Opposition, and more particularly to the leader of the New Democratic Party, one of the things they have difficulty in understanding in that country—and it is true in some others—is the fact that we have a federated state and that there can appear to be nine or 10 economic policies emanating from one country, which is not easy for a country that is a unitary state to understand.

It may come as a great surprise to the leader of the New Democratic Party that one of the areas of concern that was raised, both there and in West Germany, was the concern over the nationalization of the potash industry and whether this reflected on the economic policies of the province of Ontario. I assured them it did not.

Mr. Lewis: I'm glad they are watching socialist government here. It gives me heart.

Hon. Mr. Rhodes: It is like watching a tarantula.

Mr. Lewis: Mr. Speaker, I have a supplementary which bears on the Premier's state-

ment but not exactly on the Japanese dimension of it. May I ask it? Thank you, sir.

Given that Inco gave the Premier no advance notice whatsoever, and that he has not yet met with the chairman of Inco, and given that the Premier is going to refer it all to the resources development committee, why then can he not say to Inco, logically and reasonably, as Premier of Ontario, that he and his government will not permit the layoffs to occur at least until there is some—

Mr. Speaker: That is not a supplementary to the original question.

Mr. Lewis: I asked you, Mr. Speaker, if I could ask that—because it wasn't directly supplementary.

Hon. B. Stephenson: It wasn't related to either the question or to the answer.

Mr. Speaker: I had to find out whether it was supplementary, and I couldn't determine that until the member asked it. I have ruled that it is not supplementary.

Mr. Lewis: Okay, Mr. Speaker. I specifically made that request to tell you it wasn't supplementary.

Mr. S. Smith: My question is at least an attempt to be supplementary, Mr. Speaker.

Again on the matter of the markets in Japan and what we can sell into that market. Considering the statement on Friday by the Minister of Natural Resources that—I think what he said was—"the whole nickel market has changed in the last few years," and he was speaking of the 75 per cent nickel matte which Japan and other countries want, will the Premier explain why Ontario has not kept up with these changes in the market and why he seems to have been so uninformed about the fact that the nickel market has changed in Japan, western Europe and elsewhere?

Hon. Mr. Mr. Davis: I don't pretend to be informed on every subject. I confess that, unlike the Leader of the Opposition, I don't really pretend to have that all-encompassing knowledge. But I do my best.

I would explain to the Leader of the Opposition that while I don't have this technical expertise to explain it to him, I am concerned that while certainly we as a government can alter certain policies, one policy I would not want to see altered, while I want us to remain totally competitive, would be a policy that might in the long run affect the economic welfare of Sudbury and its operations for the people in that community.

It is fine for the Leader of the Opposition to suggest as one of his constructive "suggestions" that we "Stop doing business in

Guatemala," even though that plant doesn't come on stream for a year or so; or "You have no responsibility in Indonesia," and that is a solution to the problem. But I would also suggest to him that it is important from our standpoint that while we may adjust policies on matters of this kind at any time if it makes sense, one thing I would be very reluctant to do would be to alter a policy that would jeopardize the long-term employment opportunities of the people in Sudbury.

We are faced constantly with a desire which is legitimate on our part to improve the processing here so that more of it is done within this jurisdiction; and the fact remains that in terms of the product they are producing Inco and its product from Sudbury is competitive in the world marketplace—

Mr. S. Smith: Yes, even cheaper than Indonesia.

Hon. Mr. Davis: The truth of the matter is that the world marketplace is not buying. That is one of the practical realities that we face; for which I have profound regrets but which this government, and myself or any minister thereof do not have the power to alter. That is the basic problem facing Inco and the unfortunate workers of Inco situated in Sudbury and Thompson, Manitoba at this precise moment.

Mr. Cassidy: Supplementary: Just to establish whether this is a policy that has recently—in the last four or five days—been taken up by the government, or whether it's something it has had in mind for some time, did the Ontario government make any recommendations to the federal government as to our position about nickel tariffs in other countries in order to ensure greater access for Ontario's nickel in process to manufactured form? If so, what were those recommendations?

Hon. Mr. Davis: Not to my knowledge. I don't pretend, once again, to be an expert in terms of tariffs, but my understanding is that it is not a question of tariff at this precise moment. Essentially—and I think if it is the decision of this House to get into a discussion with Inco in the resources development committee, this will emerge—the basic problem is not that of tariff, thank heavens. It's not, as faces us in some industries—and I think this is important to point out—our own economic situation, lack of productivity and lack of competitiveness that have created the situation.

Mr. Lewis: Not Inco.

Hon. B. Stephenson: It is not.

Hon. Mr. Davis: No, I say it is not. That is different from some other situations we

face. I think it is important for the public to understand that it is something that is in terms of the marketplace, a situation where Inco can compete. They have a productive and efficient system and they have productive and efficient workers. But if people aren't buying then it's pretty darn tough to sell. It really is as simple as that. That may be an oversimplification, but that is, I think, the essential problem we face.

Mr. Peterson: Supplementary: The Premier has not, in my judgement, adequately answered this question, and I would like to know the answer. Was he aware of the difficulties with Inco before his trip to Japan? If he was, why didn't he attempt to do something about it, like taking Ministry of Natural Resources people with him to enter into negotiations on the subject which may lead to changes in the Mining Act?

Hon. Mr. Davis: I think certainly in the case of the members from Sudbury, because they have raised it in this House—they mentioned it, I think, in June, though I'm not sure whether it was in questions—there has been an awareness of the potential of the problem in the nickel industry. As I understand the facts, the market in the past 60 days, perhaps even in the last six weeks, has altered in a negative way even more rapidly than most had anticipated.

I think it is fair to state that if the member for London Centre is really expecting that one contract could be replaced by another or the supply could be replaced by another, one should take into account the contractual arrangements, I would assume. Secondly, I think I am right in this but I may be totally wrong, there may be some Japanese involvement in the plant in Indonesia—

Mr. S. Smith: Ten per cent.

Hon. Mr. Davis: Yes. I would expect that they would have some interest and some say in terms of where they buy.

Mr. Peterson: That wasn't the question I asked. Don't tell us all you know about nickel in five minutes or less, answer the question.

Hon. Mr. Davis: I have endeavoured to answer the question. Once again, the member for London Centre may not have understood my answer. It may not be the answer he wanted to hear; it never is, but I have endeavoured to answer it to the best of my ability.

An hon. member: You haven't shown any ability.

Hon. Mr. Davis: Oh, I know. We don't all have yours.

Mr. Speaker: Order.

Mr. Germa: Supplementary: Accepting the Premier's theory that the problem is a worldwide problem because of overproduction in Canada and offshore, can he assure this House that the reduction in production is being carried out on an equitable basis by those two companies, Inco and Falconbridge, as far as their offshore productions are concerned?

Hon. Mr. Davis: I have not been personally assured as yet, but it is one of those matters I intend to raise with the chairman of Inco on Thursday.

Mr. Lewis: That's it; that's right.

Mr. Speaker: We have had long enough supplementaries on that. The second question from the Leader of the Opposition.

LAYOFF OF NICKEL WORKERS

Mr. S. Smith: On the same topic, slightly related, my second question is to the Premier again. Is the Premier prepared, in his meetings with Inco officials, to use what influence he has to persuade the company to accept some of what I think are reasonable suggestions made by the union, regarding ways in which this blow to Sudbury, and to the people, can be mitigated; such suggestions as advanced pension arrangements, changes in overtime and other benefit arrangements, vacation schedules and possible supplementary benefits? Would the Premier use his influence with Inco to bring about at least, at the very least, the same arrangements that were in place in Port Colborne during the very unfortunate layoffs that occurred there recently? [2:30]

Hon. Mr. Davis: Mr. Speaker, as I mentioned in my statement, it would be my expectation that those three or four matters mentioned, and others that have been suggested from other sources, will be the subject of some discussion tomorrow. I said in my statement that those suggestions that seem to have some realistic or practical way of implementation, or at least consideration, would be part of the basis of my conversation with the chairman of the board of Inco on Thursday.

I would expect that those three or four matters, and I know several others, will be raised in the discussions with the company, union and federal officials tomorrow, and it will be from those discussions that we will be getting some hopefully practical and constructive suggestions.

Mr. S. Smith: Supplementary: Along the lines of mitigating the impact of this, is the Premier now prepared to offer a DREE

arrangement to Eldorado to locate the uranium refinery in the Sudbury area or nearby?

Hon. Mr. Davis: Mr. Speaker, I'm very anxious that any economic initiative that is proper be expedited as far as this government is concerned. With respect to the potential of the development on the North Shore, if it makes sense, if it can be worked out from an environmental point of view, if it is consistent with any policy of the government of Canada and is in all respects acceptable, then, of course, this could turn out to be a good site for it; but I can't tell the Leader of the Opposition, tying one to the other, that all of these circumstances will be met. We're anxious to see this problem resolved, but I'm sure he's aware of the complexity of this particular proposal and we're anxious to see that the right decision is made with the right terms and conditions.

Mr. S. Smith: No, DREE.

Hon. Mr. Davis: With respect, I don't think it is as simple as saying DREE money. That would be a federal matter in any event. It's not just a question of money. I don't think that's the only consideration.

Mr. Lewis: A question on the same subject: Since it emerges even in this question period that none of us, the Premier included, knows the facts about Inco, its Sudbury operation or its international operations, why will this government not rescind the Inco decision unless it is persuaded somewhere along the road that it contains some legitimate rationale? Why is the government letting Inco do it without response?

Hon. Mr. Davis: Mr. Speaker, of course, in the mind of the leader of the New Democratic Party it's a simple issue; and I'm saying, with respect, it is not that simple.

Mr. Warner: Do you ever answer a question?

Mr. Lewis: You have no answers.

Hon. Mr. Davis: The government of this province does not have the statutory authority to say to Inco or any other company: "Rescind that particular decision."

Mr. Lewis: Then ask for it. Give yourself the authority.

Mr. Speaker: The question has been asked.

Hon. Mr. Davis: I will not be seeking that authority, certainly at this time. As the leader of the New Democratic Party acknowledges—and this humility I find both new and interesting—he himself doesn't have all the facts. I think it is important for members of this House to have full knowledge of this particular issue. I will do my

best to inform hon. members as to the extent of my knowledge and studies and meetings as we have them.

As I say, I have made the suggestion that International Nickel appear before the resources committee where the leader of the New Democratic Party himself, in his own inimitable fashion I'm sure, can elicit some of these observations. I'm not going to be here to defend International Nickel.

Mr. Lewis: That's what you are doing.

Hon. Mr. Davis: I am here to see what we can do, as a government, to alleviate the problem.

Mr. Cassidy: Who's playing political games now? You are making cheap accusations.

Hon. Mr. Davis: In spite of all the member's prejudices, in spite of his philosophical approach, which is his and to which he is entitled, he is not going to sweep away a realistic situation where, in fact, there are not sufficient markets for what is being produced.

Mr. Lewis: What realistic situation?

Hon. Mr. Davis: He won't alter that with any approach that he has suggested.

Mr. Lewis: How do you know?

Hon. Mr. Davis: Nothing he has suggested will alter that.

Mr. Lewis: Mr. Speaker, may I ask the Premier by way of supplementary: Does he realize that the entire community of Sudbury—MPPs; MPs; the mayor, who ran as a Conservative candidate; the regional chairman; the unions; the head of the Chamber of Commerce—all feel and express that this isn't some kind of short-term layoff, that this may be the beginning of a continuing dismantling of Inco's operations in Canada. Therefore, shouldn't the Premier be certain that all of us know what Inco's intentions are before he permits them to throw 2,800 people out of work?

Hon. Mr. Davis: Mr. Speaker, if I were a resident of Sudbury, I would have concern about the immediate situation. I wouldn't minimize it for a moment. I am quite confident—

Mr. Makarchuk: You don't have to be a resident.

Hon. Mr. Davis: Listen, I lived through a situation which was just as traumatic in my own home community in 1959. Most of the members were too young to remember it—

Mr. Lewis: I remember.

Hon. Mr. Davis:—but I do. I remember it well, and it was unpleasant.

Mr. Nixon: You're too old.

Hon. Mr. Davis: It was difficult.

Mr. Lewis: John Diefenbaker did it to you.

Hon. Mr. Davis: But believe it or not, the city of Brampton survived and today is a shade more prosperous than it was in 1959.

Mr. Deans: It had a distinct advantage.

Hon. Mr. Davis: There were a lot more than 2,800—there were 14,000 employees let out on that particular occasion. So I have some understanding of what's going on in Sudbury and what the people are facing.

But of this much I am confident, that this is not an action by Inco that relates to their long-term intent to move their production facilities out of Sudbury.

Mr. Lewis: How do you know? Do you know that?

Hon. Mr. Davis: Because I am somewhat familiar as well with some of their long-term plans in terms of capital investment in Ontario—

Mr. Lewis: Oh, but they didn't tell you about this part of it.

Hon. Mr. Davis:—their complete confidence in the economy and the government of this province, of course, and their ability to compete in the international marketplace—

Mr. Mackenzie: What are their long-term plans?

Hon. Mr. Davis: —and they have no intention of moving out of the province.

Mr. Cassidy: How do you know?

Hon. Mr. Davis: That much I can tell you.

Mr. Makarchuk: It would be different, though, if they took their nickel with them, wouldn't it?

Hon. Mr. Davis: As the Treasurer has just pointed out, they have invested from 1970 until now, close to \$1 billion in Sudbury. That's hardly the kind of action that a company would take if they intended to move out in two or three years.

Mr. Lewis: Did the Treasurer also inform the Premier that they've taken \$1.7 billion profit out of Sudbury in the last 10 years, or did he neglect to say that to him as well?

I want to ask the Premier a very simple supplementary: If he has such confidence in his knowledge of their long-term economic investment in Ontario, how come he didn't have the faintest idea and how come he wasn't told that they were going to close down 2,800 workers in January 1978?

Hon. Mr. Davis: As I informed the leader of the New Democratic Party when we were discussing this, I believe on Friday last, the government was informed of this about 4:30 or 5 o'clock on Wednesday afternoon. I can-

not answer for the head of Inco, nor am I suggesting—

Mr. Swart: That's really long-term notification.

Mr. Lewis: That's consultation.

Hon. Mr. Davis: That's fine. I don't like it any more than anyone else.

Mr. Mackenzie: Then why do you apologize for them?

Hon. Mr. Davis: But my job here is to see what we can do to help, not to come here and say Inco should have told us two days before, or two weeks before—

Mr. Lewis: How can you trust them?

Hon. Mr. Davis: —I doubt that it would have altered the facts that we presently face. I think our task in this House and the task of this government is to see what we can do to help, not spend two hours or two weeks trying to find somebody to blame, some way to play politics and some way to cloud what are the basic issues and what we can do about it.

Mr. Speaker: The hon. member for Scarborough West with his second question.

Mr. Lewis: Understanding the limitations of stockpiling as an economic tool, does the Premier not think that since we have stockpiled butter, wheat and uranium successfully in situations analogous to this, he might urge upon the federal government a short-term stockpiling route which would allow those 2,800 people to maintain their jobs while we look at the marketplace he's described?

Hon. Mr. Davis: Here, once again—and I confess my limitations—I am not an expert, but I think the—

Mr. Mackenzie: We know.

Hon. Mr. Davis: —well, I know it; I recognize that.

Mr. Breaugh: It is becoming a little more obvious.

Mr. Speaker: The question referred specifically to stockpiling.

Hon. Mr. Davis: I'm sorry, Mr. Speaker, stockpiling; I think the concern about stockpiling and urging the government of Canada to stockpile may just not be realistic—and this is something that I think can be explored; I'm not saying no. Part of the problem at the moment, I think, relates to nickel users running down their inventories—I'm only guessing at this—because they know that there's a year's supply immediately available in Sudbury. If you stockpile and continue to produce and the market doesn't improve, you could make the situation worse for the workers in Sudbury.

Mr. Lewis: It couldn't be worse than losing their jobs.

Hon. Mr. Davis: With respect, Mr. Speaker, I know that it's serious, but I don't want to be a part of a policy that will make it either more serious or more long-term than it needs to be. I would urge upon the leader of the New Democratic Party that while this may appear to be, on the surface, a simplistic solution, it might in fact turn out to be just the opposite.

Mr. Deans: It might not, you know.

Hon. Mr. Davis: I'm prepared to explore anything that makes sense. I've got one of the most open minds I know. It may be limited but, at least, it's open—

Mr. Breithaupt: Almost breezy.

Hon. Mr. Davis: —which is more than I can say for a lot of the members opposite.

Mr. Speaker: We'll have one final supplementary. We've spent over 23 minutes on this.

Mr. Lewis: I take it then, Mr. Speaker, if the Premier responds that way to stockpiling, what is really being said here today, when you strip away all of what you call "the political dimension," is that we have utterly no answer for this predicament; not a single specific initiative to suggest, at this point in any event, on behalf of those workers as a consequence of Inco's action?

Hon. Mr. Davis: Mr. Speaker, I think that is an unfair summation.

Mr. Breagh: But true.

Hon. Mr. Davis: I am not suggesting that we have a solution to the problem.

Mr. Speaker: It's a questionable supplementary, too.

Hon. Mr. Davis: If the hon. member is saying that we have not found a way to persuade Inco that it is in the interests of its employees, the community and the province to continue producing when they have no one to buy that which they produce—which, means ultimately, the company is in more difficulty, and so is the community, and so are the workers on a long-term basis—yes, Mr. Speaker, I'm saying that it is unfortunate, but we have to accept one of the realities. The basic reality is, and I think our discussions have to flow from this, that at this moment unless everybody is being misled—and I haven't heard even the members opposite accusing Inco of this—they do, in fact, have a very substantial surplus of product. There is a surplus on the world market and they, in fact, cannot sell. If somebody over there can prove that to be

wrong, that adds another dimension, but I think, in fairness, they will have great difficulty in doing so. I wish they could.

Mr. Peterson: I have a supplementary.

Mr. Speaker: No, there will be no more supplementaries on this item. We have spent over 23 minutes on it.

Mr. Peterson: But it is a very important issue.

Mr. Speaker: You cannot question the ruling of the Speaker during oral questions.

Mr. Reid: We have had only one supplementary on this question.

Mr. Speaker: We spent 30 minutes on Friday on this matter, and we've spent 25 minutes today. I recognize the hon. member for Kitchener-Wilmot with a new question.

OHC LAND SALES

Mr. Sweeney: Mr. Speaker, I have a question to the Minister of Housing. Perhaps this is an issue that the government can do something about.

Given the fact that the minister has travelled around this province saying very clearly that there is need for more low-cost housing; given the fact that it's well understood that one of the problems in bringing low-cost housing on the market is the very high cost of serviced land, and given the fact that the land banks which his ministry has set up were built very specifically for the purpose of helping to bring low-cost serviced land on the market, what does he believe is a justifiable rate of profit for OHC when it sells its land?

Mr. Deans: That's doubtful, even that is doubtful. Tell him what Stanley Randall told us.

Hon. Mr. Rhodes: Mr. Speaker, I am not about to suggest what is a justifiable rate of profit. I indicated when I first announced our new land policy in this House that we would sell land at the low end of the market, and that's exactly what we're doing.

Mr. Sweeney: Is the minister aware of the fact that in my community he is selling land supposedly for low-cost housing at a profit of at least 100 per cent on what he paid for it, and that by using market value as the basis, he is defeating the whole purpose of his intent? He is building in the speculative part of the profit, the very thing that he has said he wants to prevent, the very thing that local builders say prevents them from building low-cost housing, the very thing that the planners said was wrong. How can you justify it?

Mr. Deans: It has always been the government policy.

Mr. Speaker: Order.

Mr. Sweeney: How can you justify it?

Mr. Deans: Tell him, John; you have always done that.

Mr. Speaker: The question is, after all of the editorializing, "How can you justify it?" Does the minister have an answer?

Mr. Makarchuk: Darcy needs the money. [2:45]

Mr. S. Smith: What was the minister's answer?

Mr. Breithaupt: There was no answer.

Mr. Breaugh: Supplementary?

Mr. Speaker: There was no answer, so there can't be a supplementary.

Mr. Breaugh: To the original question?

Mr. Speaker: Do you have a new question?

Mr. Breithaupt: On a point of order, can I be advised if the minister is following the rule 27(i)? Is he, in his discretion, declining to answer that question?

Hon. Mr. Rhodes: Mr. Speaker, I wasn't following any rule 27(i), I had just resumed my seat during the interjections.

Mr. Speaker: Order, please. The minister can answer in any way he chooses, and he doesn't have the floor right now.

Interjections.

Mr. Speaker: The minister doesn't have the floor and the hon. member for Kitchener didn't have the floor to ask the question. If the member for Oshawa has a new question, I will recognize him.

Mr. Lewis: On a point of order, Mr. Speaker, I think this may be appropriate. I think the minister of—

Mr. Speaker: There is nothing out of order at the present time so there can't be a point of order. I will recognize the hon. member for Oshawa.

Mr. Eaton: He was going to answer and was interrupted.

Mr. S. Smith: That was the best answer you ever gave, John.

Mr. Speaker: Does the member have a question?

Mr. Breaugh: Yes, I do. I would like to ask the Minister of Housing if it is accurate that the lands his ministry bought in this Kitchener area some nine years ago at \$3,500 an acre, it is now marketing at \$90,000 to \$95,000 an acre? Is that accurate?

Hon. Mr. Rhodes: Mr. Speaker, I can't give the exact price per acre. I can tell the

member that the land was purchased in 1969—and I am referring now to the estimated land cost as I have it here—at \$750,000 and the development cost was \$4,350,00, for a total—in phase one only, which is 126.5 acres—of \$8,070,000. Now, if I say that the land was purchased at \$35,000 an acre, I will leave that to the member's own mathematics. I would also tell him that the land is being sold at the low end of the market value; what the price is will depend upon what the zoning is, as is usual in most cases in the sale of land.

Mr. Breaugh: I wonder if the minister could then present to the House within the next day or so the exact figures that he is using? What were his exact costs, what are his exact sale prices, because I have seen an indication in the past—

Mr. Speaker: The question has been asked.

Hon. Mr. Rhodes: Mr. Speaker, certainly. It is either the fourth or fifth time they have been presented in the House. I would be quite happy to present those figures.

Mr. Sweeney: Supplementary: If the Minister of Housing doesn't have the exact figures of selling, is it not true that the total value to his ministry, his so-called book value of that land, is \$30,000 per acre and he is selling it in the range of \$75,000 to \$95,000. Is that not true? His book figures.

Hon. Mr. Rhodes: Mr. Speaker, I am not going to enter into a debate on numbers with the hon. member because I don't know whether he is referring to the book value for raw land or the book value for developed land. As he well knows, sir—as I just said a few moments ago in response to another question—our development costs on 126 acres of that land were over \$4,350,000, so I am not going to say that it's \$30,000 or \$35,000. I would like to get the exact costs of what our book value would be at this particular time, and I am estimating that our book value on that 126 acres of land would be in the area of \$8 million plus.

Mr. Speaker: A final supplementary.

Mr. Sweeney: Mr. Speaker, let's take it from another point of view. Using the minister's figure of \$8 million, the best estimate from the planning department of the city of Kitchener is that he is going to get \$17 million for spending \$8 million. Would he agree with that?

Mr. Breithaupt: That's 100 per cent.

Mr. Sweeney: Over 100 per cent.

Hon. Mr. Rhodes: I am not sure whether the hon. member is dealing with the 305 acres of land in total or phase one, which is 126 acres—and I am not too sure that he is—

Mr. Sweeney: We're dealing with the same amount of land that the minister is talking about.

Hon. Mr. Rhodes: To begin with, he is not accurate on the numbers he is using. I estimate—and I say quite openly—the total amount of profit, if you will, on this land will be in the vicinity of \$3 million.

Mr. Sweeney: No way.

Hon. Mr. Rhodes: Mr. Speaker, I don't have to respond any more than with the figures I have. The hon. member has not done his homework.

Mr. Sweeney: I have the figures.

Hon. Mr. Rhodes: With the greatest of respect, he became involved in this issue over one piece of land—

Mr. Speaker: The question has been answered, thank you.

Hon. Mr. Rhodes: The hon. member hasn't done his homework. Let him count his fingers.

Mr. Sweeney: I got it from the planning department of the city of Kitchener.

Hon. Mr. Rhodes: Oh, do your homework!

Mr. Lewis: You shouldn't make a 35 per cent profit on public land.

Hon. Mr. Rhodes: I won't.

Hon. Mr. Kerr: He doesn't make it; the people do.

Mr. Speaker: Order.

LOSS OF DOCTORS

Hon. Mr. Timbrell: Mr. Speaker, last week I was asked by the hon. member for Wellington-Dufferin-Peel (Mr. Johnson) to report on physician emigration. Today I received such a report and I would like to table it for the members' information. It will be distributed to all of the members.

There have also been reports in the press about growing numbers of doctors leaving Ontario, and I would like to set the record straight.

Available data indicate that in the past few years the movement of Ontario physicians has increased from the 1971-72 level, when it was almost zero. But there is no hard evidence that the numbers of physicians lost represent an attrition greater than the average over the years. The real problem continues to be one of growing oversupply.

While there was a temporary drop in 1975, the average rate of attrition for physicians has been three per cent over the years, and recent emigration has not changed this.

One measure of the high living standards Ontarians share is the extent to which every resident, of whatever age and income, is covered by a basic but comprehensive government-sponsored health plan. Not only have we one of the best health insurance plans in the world, but it is backed up by some of the best doctors in the world.

I must say that I am very concerned about the morale of the doctors in Ontario, and our government is working closely with the medical profession—with the Ontario Medical Association, and with the College of Physicians and Surgeons of Ontario.

Members will be aware of a statement in the press today about alleged bureaucratic harassment. I issue to the OMA or to any concerned party an invitation to bring to my attention any example of bureaucratic harassment. I make a firm commitment that as Minister of Health I will continue to address any such situation.

Ontario doctors have concerns and they share them with my ministry, so we can work them out together. I am aware of their concerns and we do meet regularly to discuss them. In short, I consider our relationship with the medical profession to be a good one. We are working together to get the real job done—looking after the health of every citizen of this province.

We have no shortage of doctors in Ontario, and we do not expect such a shortage to develop.

I am sorry that in the preparation of my answer some of the figures were not put into the text of my answer. This will be distributed to all members for their perusal and perhaps for their questions at a later time.

Mr. Reid: Supplementary: May I ask the minister, when he speaks of oversupply, what he is doing about the lack of supply of doctors in northern Ontario, specifically in communities like Ignace, Emo, Fort Frances and other areas like that? And other than the subsidy program that has been in effect for some years, what policy has the ministry come up with to supply doctors for those areas in northern Ontario that are grossly underserved?

Hon. Mr. Timbrell: I am looking for some figures, Mr. Speaker; I had the numbers here for the underserved area program. At the present, out of 285 positions in the underserved area program, there are about 22 vacancies, I believe. And out of the 99

dentistry positions in the underserved area program, I think we are running at about 18 or 20 vacancies in that area.

This program, I think, has been eminently successful; it is one which has been examined by jurisdictions all over the world. In recent times visitors to Ontario have included the Minister of Health of Sweden and the Secretary of Health of the United States, both of whom have wanted to learn about our underserved area program and have gone away very impressed that it is one of the most thorough of its kind in the world.

Mr. Reid: Supplementary: I realize it is a pretty good program; I suggested it 10 years ago.

Mr. Speaker: Do you have a question?

Mr. Reid: But if we have this oversupply, what specific policies, other than the subsidy program, is the minister using to get doctors into these communities that are short of them? That's the question.

Hon. Mr. Timbrell: As the hon. member knows, there are a number of instances where we fund clinics, if you will. There is one in Ignace, if my memory serves me correctly, where we fund the clinic on a global budget, and it hires the medical and nursing staff. That's an alternative that's available where such a clinic could be viable.

Otherwise, we are relying on the subsidy and, through Dr. Copeman in my ministry, we're working very hard to fill the vacancies as soon as possible.

EDWARDSBURGH LAND ASSEMBLY

Mr. Sterling: This is a question directed to the Minister of Industry and Tourism. In view of the comments contained in the Ontario Land Corporation annual report regarding the Edwardsburgh land site and recent speculation as to the transfer of responsibility of the site from Industry and Tourism to Natural Resources, can the minister indicate whether he is willing to table the final Dillon report on the land use capability of the site so that the local communities can have meaningful input before any final decision on this matter is made?

Mr. Breithaupt: We had that last week.

Mr. Nixon: That's not the Tory way.

Hon. Mr. Bennett: Mr. Speaker, first of all, may I correct a misunderstanding—the land that presently is held in Edwardsburgh is not held by the Ministry of Industry and Tourism. The land is held by the Ontario Land Corporation. We as a ministry have been assigned the responsibility of trying to

find industries that would locate in a major industrial park in Edwardsburgh.

Members will recall that some months ago we contracted with Dillon to produce—

Mr. Nixon: They still think you're off your rocker.

Hon. Mr. Bennett: We asked Dillon to put together a report indicating clearly the land-use factors, how the land should be divided and what other purposes it might be put into other than industrial use.

It was reported to this House, and it's been in the press, that Dillon clearly indicated to us that a large acreage could be used for industrial purposes, particularly that land adjacent to the St. Lawrence, while other lands could be used for recreational purposes, for forestry production and agricultural production.

The report has been with our ministry. There has been input to the report from the mayors and the Reeves of the various communities, and I shall take under consideration bringing the report into a public position.

Mr. Nixon: You are off your rocker.

Mr. Samis: Supplementary: Can the minister assure the municipalities in eastern Ontario that there will be due opportunity for input given to the municipalities before any decision is made as to future use of this site? Secondly, on any use in terms of forestry, will he assure us there will be consultation with the forest industry, namely, the pulp and paper plants, in eastern Ontario before any decision is made?

Mr. Breithaupt: The same input they gave when you bought it.

Hon. Mr. Bennett: I have no reason to indicate otherwise to this House. We will ask for the input of all of those at the political level and at the industrial level in eastern Ontario as to the future use of Edwardsburgh land.

Mr. Samis: Before any decision?

Hon. Mr. Bennett: There has been a very clear indication that a large acreage there can be used for forestry production. We are going to investigate it. The Minister of Natural Resources (Mr. F. S. Miller) and others will work together in relation to that.

Regardless of who is asked to do what with this land in the interim, we are looking for industries for it. I can assure members that the ministry will continue to press to find large industries to go into Edwardsburgh township property. Let me make it very clear—

Mr. Speaker: The supplementary dealt specifically with forestry.

Hon. Mr. Bennett: No, it didn't, Mr. Speaker. I think it dealt with other uses as well, if I interpret the remarks. Very clearly, we will look at all aspects of it, but while the land is sitting there we are going to find some practical use for it until we find industry.

Mr. Sweeney: Give it to John.

JAILING OF WOMEN

Mr. Stong: In the absence of the Minister of Correctional Services (Mr. Drea), I have a question for the Minister of Community and Social Services.

In view of that minister's contemplation of the imposition of five-year jail terms on women and in the light of his policy statement in the Sunday Star yesterday: "We don't believe any more, that any mother is better than no mother, and we have facilities to look after her children"—

Hon. Mr. Rhodes: That is a sexist remark.

Mr. Stong: —has the Minister of Correctional Services discussed this government policy with his colleague, and if, as he advocates, there is a large-scale imprisonment of women, what arrangements has this minister made to assist and look after the children involved?

An hon. member: Put them all to work.

Mr. Breithaupt: Wait till Barbara Yaffe gets that one.

Hon. Mr. Norton: Mr. Speaker, I must say I was not aware that there had been a policy decision on the part of the government on that particular matter. I have not had an opportunity to discuss it with my colleague, the Minister of Correctional Services, and I assure the member I will as soon as he is available.

Mr. Breithaupt: That's strike one.

Hon. Mr. Norton: However, should it become government policy I can assure members that my ministry is ready, willing and able to respond to ensure the welfare of the children who might be affected by any such policy.

[3:00]

Mr. Sweeney: Do you mean you are really going to try to follow it?

OTTAWA BOARD OF CONTROL

Mr. Cassidy: I have a question of the Treasurer concerning his request to the city of Ottawa to withdraw its private bill concerning the abolition of board of control.

In view of the report of Mr. Hickey, the Mayo commission report and the very strong request of city council to go ahead with the abolition of the board of control, can he assure the House that the amendments to the Regional Municipality of Ottawa-Carleton Act in the spring will include the abolition of Ottawa's board of control?

Hon. Mr. McKeough: I can't give that assurance until we have had a chance to examine the whole of the Mayo report. On the other hand, it is obvious that other legislation which has dealt with regions has in many instances wound up boards of control. So I think it is a reasonable assumption, if not an out-and-out commitment.

Mr. Cassidy: In view of the statements made by the members for Ottawa South (Mr. Bennett) and for Ottawa West (Mr. Baetz) who did not like the city's request, can the minister assure the House that he will let the city of Ottawa know his intentions within the near future so that if they have to proceed by private bill they have ample warning?

Hon. Mr. McKeough: As soon as I know what my intentions are they will be announced in this House.

NURSES' DISPUTE

Mr. Lane: I would like to ask a question of the Minister of Health. Is the minister aware that the public health nurses in the Sudbury-Manitowlin district have been on strike since last Thursday morning? If he is aware of it, will he try to get these two groups together to try to settle the differences?

Hon. Mr. Timbrell: I am aware there has been a strike in place in that unit since Thursday. The report I had, at least as of Friday, is that the board is going to try to get together with some of its employees to try to work out the differences. At this point in time, we are not intervening.

Mr. Lane: In view of the great distances covered by these nurses, would the minister contact the medical health officer in Sudbury to see just how acute the situation is at the present time?

Hon. Mr. Timbrell: I didn't quite catch the first part of the question but I take it the hon. member is asking that we ensure that the vital services of the health unit are as much as possible maintained. That is something we would monitor on a daily basis. I should point out that if there were to be any provincial government involvement in the labour dispute, it would be with the

assistance of my colleague, the Minister of Labour (B. Stephenson).

SKYWAY TOLLS

Mr. Bradley: A question for the provincial Treasurer: Last week the Minister of Transportation and Communications (Mr. Snow) tabled an answer to a question I had in the House indicating that the tolls on the Burlington Skyway and Garden City Skyway produced a revenue of \$4.28 million in the last full year of operation. In light of the Treasurer's expressed concern about the anticipated revenues for this fiscal year, has he given consideration to reimposing the tolls on these two bridges and allowing our American friends to assist us in paying?

Hon. Mr. McKeough: No.

PROPERTY TAXATION

Mr. Swart: In view of the statement by the PMLC to the Treasurer last Friday, and I quote: "The PMLC considers the unilateral breach of the Edmonton commitment by the government of Ontario totally unacceptable," is he now willing to move back and negotiate his arbitrary revamping of the Edmonton commitment formula, which reduced the commitment from \$421 million to \$177 million or just a 5.3 per cent increase for those local government and agencies for next year?

Hon. Mr. McKeough: The hon. member was there on Friday morning and he heard my answer, which was no.

Mr. Deans: Do you mean you haven't changed your mind since Friday?

Mr. Swart: Doesn't the Treasurer realize that this will likely force property taxes in 1978 up to a greater extent than the average 12.8 per cent for the last three years, and wouldn't everyone else but himself think that perhaps it's a rotten way to use the municipalities and the property taxpayers?

Interjections.

Hon. Mr. McKeough: Mr. Speaker, the answer to both parts of the member's question, as I heard them, is no.

CAS BUDGETS

Mr. G. Taylor: Mr. Speaker, a question of the Minister of Community and Social Services. In view of the Children's Aid Society's budgetary difficulties in the county of Simcoe, what programs will the minister be putting forth to end those problems?

Hon. Mr. Norton: The budgetary experience of that particular Children's Aid Society is not that different from a group

of others whose budgets are still unresolved for this fiscal year.

We began communicating with that particular society in April of this year, indicating the degree of adjustment that would be made in their original estimates, pursuant to notification that each society got in December of last year. Since that time there has been a series of meetings with officials of my ministry going on throughout the summer. As of the early part of August or mid-August, the society was notified formally by me, of the final adjustment that would be in their 1977-78 budget.

That, as in the case of all Children's Aid Societies is a matter which is subject to appeal by the society to a committee of review, and we have been notified by the Simcoe County Children's Aid Society that they wish to have such a review.

I have appointed the chairman of the review committee and we are presently awaiting the appointment of the municipal representative by the municipalities affected. I have not yet received notification of their choice, but as soon as that takes place, I will be in a position to fix a date for the hearing and they will have a further opportunity to present their concerns. The committee will then recommend a final solution to me.

I would point out that in the longer term, I am well aware of the fact that this year there have been delays, as there have been for many years, in the processing of Children's Aid Society budgets. I have been working with my staff in an effort to try to improve upon that procedure. At the present time we anticipate receipt of the Children's Aid Societies' estimates for 1978 by approximately the middle of November and will immediately begin processing those with a view to being able to give them—

Mr. Speaker: Will the hon. minister shorten his answer?

Hon. Mr. Norton: Mr. Speaker, I realize that this is a question of considerable concern to members on both sides of the House and I simply wish to outline—

Mr. S. Smith: Just say yes.

Hon. Mr. Norton: I was asked what programs or what approaches the ministry had to try to resolve this kind of problem.

Mr. Warner: You have had enough time to explain the shambles.

Hon. Mr. Norton: Given the opportunity, I will complete that answer. It is our plan by the end of February to be in a position to notify the societies of what the adjustments will be in their budgets for that fiscal

year. So the whole process should be moved up by six or eight months.

WINTARIO FUNDS

Mr. Kerrio: I have a question of the Minister of Culture and Recreation. Does the minister recall in the statement from the Treasurer that the major change in our financial situation is a significant downward adjustment in revenue? In the words of the Premier today these are difficult times. Would the minister think it is time to reconsider the application of Wintario funds—the spending of them?

Hon. Mr. Welch: The criteria for the Wintario grants program are under constant and regular review.

Mr. Kerrio: Maybe a more direct question, Mr. Speaker. In view of the financial difficulties in the province of Ontario, and job problems and such, would the minister reconsider and, maybe, put to this House the question of the reallocation of lottery funds to other purposes in our economy?

Hon. Mr. Welch: The hon. member will know that section 9 of the Ontario Lottery Corporation Act is very specific with respect to the areas to be given attention by the Ontario grant program.

Mr. Kerrio: I just ask the minister to consider. I know the specifics.

Hon. Mr. Welch: Would the hon. member drop me a note as to other areas in a specifically designated field which he thought should be covered by the program; no doubt he would share that information with me? I would point out that it's obviously against the general government policy; these are seen as dedicated funds and do not form part of the general revenues of the province.

Mr. Kerrio: That's right. That's what I would like to change.

Hon. Mr. Rhodes: You supported the legislation.

TTC FUNDING

Mr. Warner: Mr. Speaker, a question of the Minister of Transportation and Communications: Why does the province of Ontario want to run the Toronto Transit Commission?

Hon. Mr. Rhodes: Resign.

Hon. B. Stephenson: Resign, you are a disaster.

Hon. Mr. Snow: Mr. Speaker, I was going to say I don't know—

An hon. member: He is probably right.

Hon. Mr. Snow:—but I'd like to assure the hon. member that the province of Ontario has no intention or desire whatsoever to run the Toronto Transit Commission.

Mr. Warner: Supplementary: Is the minister then saying that he will take the strings off the conditional grant for operating expenses, so that Metro is not forced either to raise property taxes or the fares?

Hon. Mr. Snow: I don't know what strings the hon. member is referring to. To my knowledge there are basically no strings attached to the operating grants that this province makes in a very substantial amount to the TTC for operation of its system. We make two types of grants to Metro; we don't make any grants to TTC. We make a grant to Metro for operating expense. We met with the officials of Metropolitan Toronto this year and they are quite agreeable and satisfied, I believe, with the system as it's working and with the formula and the amount of grant that they will receive.

We also make grants, as the hon. member knows, I'm sure, in the amount of 75 per cent of the capital expenditures. My staff and the staff of the TTC, the staff of Metro and the budget chief of Metro between them have decided on their level of spending for this present year and for next year; and our budget has made provision for our 75 per cent of that level of spending. So I don't know what strings the hon. member is referring to.

Mr. S. Smith: Supplementary: Does the minister not recognize that the 75 per cent grant for capital might in certain instances be much better used to supplement operating expenses in order to prevent transit fare increases or property tax increases, because fare increases would further reduce ridership? Why does he not simply allocate an amount of money and let Toronto decide whether it wants to build such things as the light rail vehicle to Scarborough, or whether it wants to reduce its transit fares?

Hon. Mr. Snow: In the legislation there are two provisions for grants. I would not be prepared to consider removing the division between the operating and the capital grants, because they're two completely separate programs.

Mr. Warner: Is the minister not aware that a letter came from his ministry indicating that Metro must collect 70 per cent of the operating cost by way of the fare box, otherwise it does not get 15 per cent from the province of Ontario? And that the Metro chairman, Paul Godfrey—I gather a friend of the side over there—

Mr. Breithaupt: At times.

Mr. Warner: —reacts objectively and reacts against the letter that has come from your ministry?

Hon. Mr. Snow: I don't think the hon. member has his figures right at all. First of all, about a year ago, or a little earlier than this last year, I announced a new formula for all municipal transit systems whereby the provincial contribution would be based on a percentage of all operating costs of the system. I believe the percentage for Metropolitan Toronto is something in the neighbourhood of 13.75 per cent of total operating cost. This is based on the target established for Metropolitan Toronto of raising 72.5 per cent of their operating costs from the fare box, and the 13.75 per cent is 50 per cent of the difference between the anticipated fare box revenues and the operating costs of the system.

This leaves the municipalities with the option, if they can have a more efficient system, to still get the 13.75 per cent even if they get a higher revenue from the fare box, which would cut down on municipal expenditures.

Mr. Speaker: The time for oral questions has expired.

[3:25]

INTRODUCTION OF BILLS

MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS AMENDMENT ACT

Mr. Davison moved first reading of Bill 75, An Act to amend the Ministry of Consumer and Commercial Relations Act.

Motion agreed to.

Mr. Davison: Mr. Speaker, the purpose of this amendment is to require the Minister of Consumer and Commercial Relations to submit an annual report to the assembly, and thereby to the consumers of Ontario, so that we know what they're doing.

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL (continued)

On vote 1601, item 1, main office:

Mr. Chairman: When the committee rose last session, we were discussing item 1 of vote 1601. Any further comments?

Mr. Stong: I notice in dealing with the main office that the projected estimates for

1977-78 are \$638 million. I also notice that in the material supplied to me for the Solicitor General the estimates for 1976-77 for the main office were \$606 million. I'm wondering how he correlates that with the report of the public accounts committee which reported for the year ended March 31, 1977, an estimate of \$226 million and Management Board approval of \$36 million, making a total of \$262 million. How does that correlate with the increase he is requesting under this particular vote in his estimates for this year?

Hon. Mr. MacBeth: Mr. Chairman, if you could wait for a minute, I think I'll have that information.

Mr. Chairman: I believe the hon. minister has the answer.

Hon. Mr. MacBeth: Thank you, Mr. Chairman. If the hon. member is looking at the public accounts report to which he referred—and I think he's looking at estimates under what was then vote 1501, at a \$226,000 estimate for item 1 and the Management Board approvals of \$36,000—if he'll look at the next estimate of \$380,000 under vote 1501, item 2, my information is that they have merged those two votes in the 1977-78 estimates.

Mr. Stong: I'm still having a little difficulty then, because the public accounts committee reported—and the minister will notice the explanation on page 253; it breaks it down item by item on the actual cost.

Just for my own understanding, the estimates for 1976-77 showed salaries and wages at \$395,000, where in fact the actual cost was \$218,277. That does not appear to me to be a merger between those two votes. However, I stand to be corrected on that. There's quite a discrepancy. Then this year the estimates are up to \$416,500 over \$218,277 for last year. If you take those two figures, the increase is almost double. I can't see any indication in the material of the combining of those two votes.

Hon. Mr. MacBeth: I wonder if the hon. member would tell us the place where he's getting the \$395,000 from.

Mr. Stong: In the material supplied by the minister in the black book. It's under vote 1601, item 1, of the estimates for 1976-77 in the column for salaries and wages, which is \$395,000. It was, in fact, for the same period. That's the estimate. It doesn't seem to separate those two votes, as the minister has indicated. Public accounts has another amount that is much less, and this year we're seeking much more.

Hon. Mr. MacBeth: I am not sure we have all the answers as clearly as we should have.

The answers are all here. What we are trying to do is put down in this year's estimates a number of figures from last year's estimates, some of which have been shifted about a little bit. Among them, there is an item for some \$60,000 for legal expenses which have been transferred. That helps to add some confusion.

As I understand it, you are looking at salary and wages in the 1976-77 estimates of \$173,000 and unclassified salaries of \$17,000, which total \$190,000. If we then head over to the main office in 1976-77, we get a number of figures here: Salaries and wages, \$117,000; unclassified salaries, \$26,000; then that legal figure of \$60,000 comes in; overtime, \$2,000, and attendance bonuses, \$300, which gives us a total of \$205,300.

I don't feel that you are going to be able to follow those figures from what I have been saying here. What we had better do for you at the supper break is give you a breakdown where you can follow where we have taken them out of last year's budget and placed them into this year's budget, if that will be satisfactory. I know it's confusing but when you transfer a few items from one budget in one year to another place in the budget the next year, such as was done with legal expenses, it does add to that confusion. If we can give those figures to you at the supper break, I think that will make it easier for you as well as myself to follow.

Mr. Stong: I wonder if I could have some explanation with respect to the \$60,000 legal expenses. Is that outside of the lawyers that the ministry employs and, if so, to what firm was that paid and for what?

Hon. Mr. MacBeth: That is one of the items we are talking about that is for this year, shown in this place this year. Last year they were shown as a separate item. In other words, this year they are shown as part of the main office, where we think they are more properly shown, and last year they were shown as a separate item.

The \$60,000 consists of the salaries of two lawyers who really belonged to the Attorney General's ministry but who have been attached to our ministry, Mr. John Ritchie and Mr. David Spring. They have one secretary between them. It covers two lawyers' and one secretary's salary.

Mr. Stong: Is that \$60,000 representing salaries for the two lawyers and the secretary from the Attorney General's department? Are they on the Attorney General's payroll as well? I am concerned about a spill-over into the different ministries in this area in Justice policy. I am just concerned whether this rep-

resents something that could be combined in the ministries rather than separate.

[3:30]

Hon. Mr. MacBeth: They are not shown in the Attorney General's estimates, but in our estimates. For appointment and responsibility all of the solicitors throughout the whole government are considered as members of the Attorney General's staff who are giving legal advice, I believe. They are not shown, however, in the Attorney General's budget, but in the budgets of the various ministries.

When I say all lawyers, there are other lawyers such as my deputy minister who is a solicitor. I don't put him in that category; but those who are giving legal advice to the ministry.

Mr. Lupusella: As far as I see, it seems that from item 1 to item 7 there was an increase of \$383,000. I heard the concern about those two lawyers working for the Solicitor General by providing legal assistance to him, and my main question is if it is possible, instead of having two lawyers in his office in relation to legal problems which might arise from time to time, that the Solicitor General could use the staff of the Attorney General for such assistance maybe this would save some money?

Hon. Mr. MacBeth: Mr. Chairman, of the two solicitors that we have, the junior of the two works almost exclusively for the Ontario Provincial Police. They have a number of ongoing problems on a daily basis and he works almost exclusively, as I say, with them. Those are for internal problems. I am not saying that he gives advice in connection with prosecutions at all, but just dealing with the legal questions that arise within the operations of the Ontario Provincial Police.

The other, Mr. Ritchie, who is the senior of the two, is the one in charge of drafting our various regulations and any proposed legislation that we may have. He also answers a number of legal questions, some of them that I see the most of are those dealing with the interpretation of the holiday and Sunday closing Act. I can't see that either one of them has any spare time.

As a matter of fact, I am pressing Mr. Ritchie to bring forward a little faster, if he can do so, some of the legislation that I want to put before the House. Our concern is, of course, that the House is not able to absorb the legislation as quickly as I might like to put it before you. Therefore, Mr. Ritchie is not behind as far as the House is concerned, but he has a heavy load as far as the ministry is concerned.

I don't see that we could get along with any less. Also, of course, we have problems coming up from time to time through the coroners. They have a variety of legal problems and they seek either the advice of Mr. Ritchie or Mr. Spring in regard to the matter of interpretation of the law that the coroners raise from time to time.

They serve the whole ministry, and I think if you look at the various ministries of the government you will find, when it comes to legal advice, for a ministry that is actively engaged in the law we are probably running as closely and as efficiently as any ministry in this regard.

Mr. Lupusella: With all respect to the minister's statement, I realize that there is a need, in fact, to seek legal assistance from the two lawyers involved. The reason I have been raising this particular concern is that, as we heard and read in the newspapers lately, almost 100 OPP officers are going to be laid off. I don't know when, and if, the Solicitor General in fact is going to follow this procedure to lay off 100 OPP officers. In northern Ontario, for example, there was a particular request for OPP officers; they do need them. Instead of following this kind of routine in relation to laying off the OPP officers, is there any other way the Solicitor General can trim different sectors of his branch? It is something which is not really necessary; we don't have to sacrifice 100 OPP officers. I would like to have an answer for that.

Hon. Mr. MacBeth: I am very pleased to have this opportunity to say a few words on that subject which, as we know, made a few headlines over the weekend.

I was interviewed by the *Globe and Mail* last Friday afternoon and as a result we had a flurry of stories over the weekend, some of them suggesting, as the hon. member for Dovercourt has done, that this was about to happen. My assurance to the press and my assurance to this House is that it is not about to happen without a great deal more examination. My expressed hope is that it will not happen at all.

The cabinet has issued a direction to us, like all of the ministries of government, that we should curtail expenditures where possible. This, of course, might lead in some cases to the curtailment of staff. I think that's very healthy and very good to examine this problem, and as in the other ministries, I asked my people to examine how we could go about this.

I think the hope of the Management Board and Treasury was that some curtailment of staff could take place by not filling the posi-

tions created by attrition. We're very fortunate in my ministry that the OPP do not have a sizable attrition rate. In other words, these are people who take the work on as a lifetime career. Many of those who might be unsuitable are weeded out in the early process before they become permanent—during the probationary period. By the time they become accepted officers on the force, they are determined to make it a lifetime career and we are satisfied that they are capable of making it a lifetime career. So we have very little attrition in the uniformed personnel of the OPP.

When we examined it—and as I say, it was a healthy exercise that we should examine it—we found that we could not meet any great savings by simply not reappointing by reason of attrition. If we were to make any kind of a saving, it would have to be by reduction of the numbers of the junior officers, because they were the people without seniority and the people who, in the ordinary course, would go first.

My officials reported back to me very quickly that this is what their examination showed. I immediately made my concerns known to certain other members of the cabinet, including the Treasurer and the Chairman of Management Board and the Premier himself. The instructions I received at that time from them—I say instructions; the suggestions I received—were that certainly there was to be no dismissal of uniformed people at the present time until cabinet had reassessed the position in regard to all of the uniformed staff.

That reassessment is presently being taken. I hope to present to the Management Board very shortly the problem that we have. I am hopeful—and in fact expect—that some relief from that program will be given the OPP. I said to the question when it was raised—and of course there is no denying that we were looking at this possibility, but when the possible ways we can achieve it are reported back, I am satisfied that we are not going to achieve it in that way—by any reduction of OPP personnel.

I would remind you that we have a lot invested in these people. They have received extensive training, extensive screening and it is the young people we need in the OPP, people who we can move up into some of the northern detachments, some of the places that are not quite as desirable as other locations in the province. Certainly I have no thought that any of them will be dismissed because these are the people we perhaps need the most—the young and the new constables.

The following and overriding point I would like to make is that the province and the government regard law and order as a very essential part of the program of government. In these times of trouble when many people are calling for more policing, we are not about to reduce provincial policing.

I would remind you what we have done for the municipal forces. The municipal forces last year received greater grants on the per capita basis. I know those grants were unconditional grants, but they are based on the population and earmarked for police work. Last year we increased those, both to the regional and the municipal forces. It would be a little inconsistent for us to increase the grants municipally and reduce our own forces.

A further point: you will recall that in March of this year I announced that we had received another \$1.25 million to help us in our fight against organized crime. Some additional officers were taken on as a result of that. I think that organized crime has improved—

Mr. Cunningham: Tell us all about it.

Hon. Mr. MacBeth: When I say improved, I think it has been reduced a little since last March. But again it would be a little inconsistent, having given this extra money in the spring, to decide, a few months later, that we should retract it.

So, yes, the problem was examined. But when the exercise is looked at and the results of that exercise are made known to cabinet, I feel confident that we will not be reducing the police force and attempting to save money in that way.

Mr. Lupusella: I would like to make a short comment on that, if I may. I am really glad to hear that the Solicitor General has taken such a position and will protect those OPP members who are already on the force, in view of the total amount of money which the province of Ontario is spending on the OPP. I also would like to have an assurance from the Solicitor General as to whether or not he will protect, in some way, the service and the programs which the native police officers have initiated in order that no cuts will affect the native communities as well.

Mr. Chairman: I might say some of the questions properly should come under vote 1604. However if the minister wishes to complete the answer to that question, it would be all right.

Hon. Mr. MacBeth: Thank you, Mr. Chairman. In that this will be a final decision of cabinet, I, of course, am unable to give as definite assurance as I would like to be

able to do. But I think I mentioned the other day that I couldn't say what the odds were but I thought that they were close to 90 per cent that we would not be reducing personnel.

The hon. member for Dovercourt makes reference to our native police program. It is one of our very successful programs. I think it is doing a great deal to establish a rapport among not only the police and the natives but, through the police, the civilian population off the reserves. I have the native chiefs asking for more police all of the time. In view of the fact that it is so successful and that that is where we want our young constables, both native and otherwise, I think if there should be any reduction—and the chance for reduction is slight—that the native program would be the last place that we would make that reduction.

Mr. Chairman: Are there any further questions on item 1? The member for Lakeshore. [3:45]

Mr. Lawlor: Mr. Chairman, with your indulgence—and I'll test it—normally in estimates the initial questions under the main office vote or the first vote have within reason—whatever that is—fairly wide-ranging elements. I have some questions on that, while I suppose it could be argued they would fall elsewhere. At the same time, in my previous experience there have been no real objections. I will make them as short as I can. I have several very broad questions concerning the Solicitor Generalship as such. It also has the effect—and whether you do it later or you do it now I suspect matters very little—that you get a feeling of going ahead and getting on to the next vote. That may be illusory. Let's not hallucinate ourselves in this assembly.

First of all, very briefly, year after year in all the time I have been here, particularly with my colleague the member for Riverdale (Mr. Renwick), it seems as to the general philosophy of policing, let me put it that way, the department continues to exist in a state of confusion, even obfuscation, in this particular regard as to what it thinks the police function ought to be and what it is. On one side, the police chiefs almost invariably speak in terms of a para-military organization with all that that implies in terms of discipline, echelons, categories, uniforms, blowing your nose, polishing your boots and doing any other number of things, as though you were under basic training in a perpetual way.

That's the American concept of policing. We've been over this ground. But I'm just going to mention it briefly again this year.

That's the whole American approach to the police operation. There is a British approach, which I thought you would be more attuned to in the department, which is more in line with the report on the status of policing in Ontario, that a very considerable amount of autonomy, spontaneity and individual judgement be reposed in the individual police officer, that he has a very considerable discretion. That discretion was reaffirmed in the reports, et cetera. But that's not the way the thing operates, and it bothers me.

I think that you are going to have to straighten out in your own mind as to where the emphasis should be. There have to be internal disciplines but do they have to be on a military model, or might they not be on a more flexible type of British model with respect to the way in which our particular police act? That would greatly aid in rapport with the citizen at large and in the approach of the police officer. Again, as I say, it's in line with the report. But that's not what you do. Your whole gravamen is towards the American system and it's getting worse. That's my first serious thought. Do you want to answer that? I have some more specific stuff.

Hon. Mr. MacBeth: I appreciate the question from the member for Lakeshore and I am sure I could discuss it with him at great length. I think that on appearances we are closer to the British system than the American system.

He mentioned the matter of discipline and the matter of judgement. I don't say they don't necessarily go hand in hand. If you look at the American policeman we have an image of them. I don't wish to run down the American patrolmen as such, but I think you will find that the policeman on patrol in most Ontario communities has a smarter, more military appearance and is more like the policemen you will see working under the British system than those you find in the United States. When it comes to dress, appearance and actions on the street, you will find our Ontario policemen more akin to the British policemen in matters of this sort than you will to the American policemen.

In all of these things, it is a case of trying to hit a happy mixture. Police operations must be of a semi- or para-military nature.

If you detail a man to go to a certain place you expect that man to be there, and you expect him to be there when the hour of his appointment calls for him to be there. In that sense you must have discipline. He can't return to his officer and say, "I thought I had something more important to do," or, "I had to answer some other type

of call." If he is delegated to go there, he must be there and he must be ready to account for his attendance there, or explain why he was not there.

Mr. Lawlor: So do you.

Hon. Mr. MacBeth: That is right, but his officer must know that he is there. If I am not where I'm supposed to be I have to do an accounting of sorts too, but it's probably not a matter of life and death if I'm not there. Very often in the police operations it is a matter of life and death.

So I'm not going to say that you can remove the type of punctuality and that kind of obedience of orders from our police, nor is it removed from the British system. I had the advantage of going to a short inspection of the British college just outside London in February of this year, and if you think we have spit and polish around our training barracks, you should see the kind of operations they are put through there.

So when you try to differentiate our system from the British system on these matters of discipline I fail to see that you're making a valid differentiation. When it comes to matters of judgement I would hope that the kind of people we are now getting into the force and the kind of education that we are giving them at Aylmer and other places would allow for greater discretion; but nobody objects to the use of police discretion—unless they give that discretion in the favour of the citizen—faster than the citizen himself.

As you know, when a breach of a statute or a law, the Criminal Code or otherwise, occurs, we don't want to turn the policeman into both judge and jury. On this matter of breathalysers, we are finding that people object to the policeman being the person who should decide. I know under the Criminal Code they don't decide that, but giving them as much discretion as the present use of the roadside breathalyser would purport to give them, I don't know just where the division is between the policeman exercising his judgement and passing the judgement on to the courts to be exercised by them.

I am one who thinks that our police would probably gain in favour a little bit with the public if they gave out more warnings. You can't, of course, give out a warning in a criminal case, but you can under the Highway Traffic Act. I just notice that the hon. member for Yorkview (Mr. Young) is in his seat, and I think if he was to ask me what about safety problems on the highways, he would probably be in favour of fewer warnings and more summonses issued when

it came to such matters as seat belts, speeding and breaches of the Highway Traffic Act.

I would hope that we would strike a happy balance in regard to discipline. I would hope that we could strike a happy balance in regard to the exercise of discretion by policemen. We are training them at Aylmer to use more discretion, and I think we're getting the kind of officer with the educational background in a variety of subjects who will be able to use that discretion. Having said that, I don't expect my hon. friend from Lakeshore to agree that we're following the right course. If he has any specific recommendations, I'd be glad to receive them.

Mr. Lawlor: We have very limited time in this debate, and as the hon. minister says we could spend the whole time pretty well over this very issue. I only want to mention Ramsay Clarke's "Crime in America," the first portion of which is dedicated to the causes of crime in the society and the second part to the operation of police forces as such, apart from the courts, Crown attorneys and what not, and there's particular emphasis upon the professionalization of the police forces which you had mentioned a moment ago. I believe this is being done through the auspices of the OPP to some commendable extent. That would involve, of necessity, a greater self-determination or autonomy, not only on the part of the individual officer but of these highly-trained individuals who will not work under those circumstances if they are given too much direction and there is too onerous a control.

The other day, you said you would update the status report on policing. Have you been able to do that, and have we been supplied with copies thus far?

Hon. Mr. MacBeth: Yes, Mr. Chairman, I do have an update of that and I believe there are copies here. Perhaps I could arrange for their distribution to the two opposition critics and Mr. Lawlor. I would be pleased if they could be distributed—as many as are available.

Mr. Lawlor: Thank you very much. Now, under "analysis, research and planning," which is the fifth vote—

Mr. Chairman: I'd say to the member for Lakeshore, we've really just called item one.

Mr. Lawlor: Oh, you're just on item one? Okay, we'll leave it.

Just a word on organized crime, which is an overwhelming issue in this House. I know you've taken a minatory position but I suspect your position profoundly. Governments and people in governments always,

for their own self-preservation if nothing else, take a sanguine or lordly position with respect to that subject.

Are you aware that one of the Dubois brothers from Montreal recently moved into Ottawa; that the particular spill-over from the Quebec crime commission proceedings is affecting, and has affected, this province? The business of too much secrecy, vis-à-vis this House, and vis-à-vis the general public for that matter, with respect to this organized crime menace that hangs over all of us, the fact it is not given consideration and sufficient disclosure, this hiding behind the veil of secrecy in this particular matter, will do no good so far as the province is concerned. There must be reposed in the commissioners a very strong area of secrecy, you can't spill all the beans or give all the information on wiretaps or what not; but we get absolutely nothing. We come cap in hand, begging to learn what extent organized crime has developed or to get some rational statement about it. Some of us over here feel it is a far more serious matter. We will learn in the newspapers some morning, I suppose, when something cracks open. That's a poor time, either for the government to make disclosures or for us to learn of these matters.

Precisely the reason for these estimates is to do a little digging in this particular respect. I think we should push you a little harder than we have in the past in this particular regard.

Hon. Mr. MacBeth: That is one of the disadvantages, Mr. Chairman, of dealing with estimates in the House instead of in committee. Last year we had various people, both from the Ontario Police Commission and from the OPP, answer a few questions on what they were doing to try to enclose organized crime. I can repeat what was said last year. I've made suggestions to the opposition critics; and I'm not being critical but the offer wasn't taken up. I didn't push it after the estimates were over but neither did the critics ask for any further information. But I would be glad to take them into our confidences—more than it would, perhaps, be wise to do in the House—let them see some of the things we're doing and talk to the officers who are more closely involved. I would be glad to do that.

[4:00]

You say do I know that this certain person has moved into Ontario. Certainly I, personally, don't get reports on a day-by-day basis as to the movements of people suspected of organized crime, but the OPP do. I shouldn't just limit it to the OPP, because

we have a joint force working with the various municipal forces. The main one involved, of course, is the Metropolitan Toronto police force, but also the RCMP and the OPP. They work very closely together and I'm sure they know of the movements of all of these people.

As I've said so many times, it's not a case of knowing who is involved in organized crime; that seems to be easy to follow. When one person is taken out for various reasons, either death or imprisonment, the mantle seems to fall automatically on somebody else. From time to time I see reports that say so-and-so has now, apparently, taken over the running of one particular group from somebody else who, as I say, has passed on for various reasons.

Our problem is to get the evidence to convict. You will recall when Quebec commenced its inquiry into organized crime they had a great many unsolved murders which they felt were connected with the underworld. Thank goodness, we in Ontario didn't have that kind of a problem. Their problem, in regard to violence and that type of thing, was much more severe, at least in my opinion and in the opinion of those who advised me, than anything we had here in Ontario.

Neither the Attorney General (Mr. McMurtry) nor I have ruled out the possibility and said there are no occasions on which an inquiry into organized crime might be in the general public's interest. I think it probably was in the Quebec situation. A lot of things were reviewed; a lot were brought to light in that inquiry. But, again, I would remind you that in the case of some of the names that were brought out there, the convictions were obtained in Ontario and not in the province of Quebec.

So our main job is to gather the evidence. Charges are laid from time to time both for drug trafficking and bookmaking. I think bookmaking is one of the most insidious crimes that we deal with, but certainly there have been charges laid on that.

Mr. Lawlor: Loan-sharking.

Hon. Mr. MacBeth: Loan-sharking. What did I say?

Mr. Lawlor: Bookmaking.

Hon. Mr. MacBeth: I'm sorry, loan-sharking is what I meant to say.

If the House would like me to bring names and convictions—that type of thing—before them, I can certainly arrange to do that from time to time, but by that time it's not news. Certainly the papers are more on top of it as it's happening than I am and,

therefore, they have it by the time I could report to the House.

In other words, I don't ask that the police—and I think it advisable that I shouldn't—that they advise me every time they're going to make some major raid or have enough evidence to arrest somebody. I certainly don't want that kind of information in my office; I don't think there's any need for me to have it. I certainly get it after they have made any arrests of this nature, but the newspapers and media in general have it almost the instant it happens. By that time, there's not much point in me reporting it to this House. If you wish me to institute some more up-to-date scheme whereby I could report on what we are doing in the way of prosecutions and following them up, I will try to do so for the advice of the House.

Mr. Lawlor: I think it would be valuable.

Hon. Mr. MacBeth: All right, I'll see what I can do in that regard.

Mr. Lupusella: If I may, I would like to reply with a short statement about organized crime and the way in which the Solicitor General has been expressing ideas and manoeuvres in which organized crime actually is under control.

We had the words, several times; "Organized crime in the province of Ontario is under control." My main question, and the question which I raised in my opening statement, is how the Solicitor General can justify the statement which has been made by the federal Solicitor General, Mr. Francis Fox, trying to tell policemen in Toronto that they haven't been doing an adequate job in fighting organized crime. There is a contradiction in the statement which was released when the CBC broadcast a program about organized crime and the statement that was made at that time by top police officers that organized crime in the province of Ontario is under control. The question is why there is such contradiction that Mr. Francis Fox is coming from Ottawa, stating that we didn't do an adequate job. Can I have an answer to that?

Hon. Mr. MacBeth: You will probably have to get that answer from Mr. Fox. As I said, we are working very closely with the RCMP, and I suppose it is a matter of one person's opinion as against another person's opinion as to when anything is under control.

I don't get, from talking to the RCMP, that they believe organized crime is not in control in Ontario. You can ask, is any crime ever in control? As far as I am concerned, if crime exists to any extent it's out of control. The question is, is it sufficiently under control to take more drastic steps such as have

been suggested, by way of some inquiry? All I am saying is that we would lose more by a public inquiry than we would hope to gain.

Certainly murder is not under control in this province in that we have a good number of murders, although I think the statistics show that they were down last year over the previous year. We have still got too many murders, because one murder is too many. So, depending on whom you are talking to, murder is either under control or out of control.

The same applies to any crime, and I think you can follow that through into the field of organized crime. I have admitted that there is organized crime here in the province of Ontario. When we obtained that \$1¼ million I gave a very quick rundown on some of the places where it was operating and the fields it was getting into. I am suggesting that organized crime is no greater here today than it was two or three years ago. Does that mean it's under control? As far as I am concerned, as I say, as long as it exists it is not under control, but I think it's under control sufficiently that we are currently dealing with it in the best possible means that we can employ.

We are always looking for better ways to deal with organized crime. The suggestion of the opposition, and about the only constructive suggestion I have heard in this regard, is to deal with it by a public inquiry. I am saying to you that the advice of my officials is that that would not be helpful at this time. But if you can suggest any better ways to control it, other than the methods the police are currently employing and apart from a public inquiry, I will be very happy to have those suggestions and will seek the advice of the police as to carrying them out.

Mr. Cunningham: I have a few brief general comments relating to the Ontario Provincial Police, and I would ask your indulgence in this regard, Mr. Chairman.

Mr. Minister, I am delighted to see that you are going to resist any move by the executive council to reduce the staff of the Ontario Provincial Police, but I want to say to you that I am concerned about the phrase "until adequate reassessment has been given." I want to say to you that I hope you might take copies of the debate, both the comments by myself and other members of the House in both the opposition party and the third party, to your executive council to convey to them the extent of support that I think exists for our police force and the concern I know that we all have collectively as it relates to adequate protection for the citizens of the province of Ontario.

The speaker just prior to myself made reference to organized crime, and I must say I share his concern. In these times of increased crime, to reduce the Ontario Provincial Police would be a retrogressive step to say the least. I know in my constituency we rely tremendously on your police force and I have come to appreciate them and know them by name, not only having been stopped on the highway on the odd occasion to be reminded that I might be speeding—in fact, I was reminded once in a very tangible way that I was speeding—but also to maintain law and order.

Mr. Lawlor: How tangible?

Mr. Cunningham: About \$35 worth.

Mr. Maeck: How many points?

Mr. Cunningham: I know in communities such as mine that the smaller and rural townships have come to rely on and appreciate the Ontario Provincial Police in a way that people possibly residing in the Etobicoke area could never appreciate. Notwithstanding the fact that the general policing responsibilities in my constituency now are the responsibility of the Hamilton-Wentworth police force, many citizens still are inclined to call the Ontario Provincial Police first because they know that they can count on them. Secondly, they know they can find their way around the rural areas on a continuing basis.

They are charged with the responsibility of highway traffic enforcement on that large Highway 6 that runs through my constituency and also on Highways 2 and 53 where we are having, I must say to you, some problems with enforcement. I think that is specifically a problem where there aren't enough members of the force to adequately cover it. I know that the members of the force are aware of the tremendous problem that exists there and I am sure you will direct that their continuing attention is given to adequate enforcement on that rather dangerous stretch of highway.

I can only say to you that in my view there seems to be some sort of duplication between the regular police forces in the outlying communities and the Ontario Provincial Police. I think there are some cost efficiencies that might be obtained by restoring some of those responsibilities back to your police force. I was wondering if you have any statistics at the moment that you could either send me now or at a later date that relate to the cost per capita of policing in these outlying areas so that I might make some reasonable comparison with regard to policing costs per capita in constituencies that are administered by their own local police forces. I would find that information very valuable.

Before I take my place, I would encourage you to possibly direct your officials to maintain a more constant vigilance on Highways 2 and 53. This has been a matter of great discussion with myself, citizens of my area, citizens of the village of Alberton and the town of Ancaster, and the Minister of Transportation and Communications (Mr. Snow), who until very recently was reluctant to accept our point of view. Effective enforcement of the highway speed regulations and the various other regulations of the Highway Traffic Act, I think, will contribute greatly to reduced levels of accidents on that stretch of highway. I would encourage you to see that that vigilance is maintained.

Mr. Worton: While the minister is getting some facts on this particular issue, he is well aware that on Saturday night I had the opportunity to attend a retirement function for a gentleman who had given some 30 years to the OPP in the various parts of Ontario, and in the last 10 years in Guelph.

The minister indicated to me that he would be happy if I brought greetings on behalf of his ministry and the government. I felt maybe I was stepping into something that had been unknown to me before. I did open my remarks by saying that I felt something like the cattle thief that was about to be hung. As he walked up the steps, he said to the fellow, "take it easy, this is the first time this has happened to me." Sure enough, he was right. I soon learned after a few remarks that there had been an announcement made that day that there was going to be a cutback on the staff of the OPP.

After all the events were over, I talked with many of the men of his agency there, of the OPP. Like the previous members, I would be very concerned if these steps were taken because I think it's the wrong time for your ministry to be instituting cutbacks in this force. I would like you to take back to your executive body the reaction I got from the calls on Sunday. Perhaps it is because there are a lot of people who know me and call me first-hand, I was certainly made aware of the feelings of the public. Quite frankly, until I got there on Saturday I was unaware of the situation. I thought that maybe it was the Toronto police that was undertaking his cutback.

[4:15]

As I mentioned earlier, and the other two members have mentioned, you should take a very serious look at this and talk to those other ministers who sit around you. Put your foot down and say that we want to maintain our strength and maintain the effective force that we've had in the past.

Mr. Chairman: Mr. Minister, would you like to reply at this time?

Hon. Mr. MacBeth: I'll try to do that. I was asked about the cost per capita and my information is \$54.08 per capita; the information pertaining to operation of police forces in the province of Ontario, \$54.08.

Mr. Nixon: That's all forces?

Hon. Mr. MacBeth: The information that my deputy has given me is that that is OPP. The total of municipal forces per capita cost, \$47.44; Metro and regions, \$48.72; villages, towns et cetera, \$35.47. Those must be averages when you're dealing with the regions.

I think Metropolitan Toronto was the highest. I don't see that right here. I know we have it, because I was reading it the other day and it runs in my mind that the city of Toronto was up in the \$60 figure per capita. The OPP is \$54, and, of course, it varies from municipality to municipality on a per capita basis.

I know the problem that the hon. member for Wentworth North (Mr. Cunningham) was speaking of in regard to traffic and speed limits. There were a great many complaints in connection with Highway 2 running through your riding where the people, because of a number of accidents which had occurred there, felt that they were not getting sufficient policing.

As a result of that, we did put more police patrols on. The OPP tries to regulate its supervision with radar and that sort of thing, depending on where their experience would lead officers to say which are the most dangerous and the highest risks, and that was one. I think as a result of their additional surveillance of it there was less speeding, naturally, and greater enforcement. I hope the people there are a little more satisfied with conditions as they presently exist, as opposed to what they were before the present tightening up.

I have a good number of letters from the general public recently talking about the saving of energy and abiding by the 50 and 60 speed limits respectively, depending on what road you're on. Again, I'm back into miles rather than kilometres, but in any event, a number of them have counted the number of speeders that have gone by.

I think I've had about 10 letters along this same line, saying they have been travelling at the speed limit and they have been counting the number of vehicles that passed them at certainly much greater than the speed limit I have, of course, replied to these along the line that we are doing our best.

There was about a 60 per cent increase in the amount of traffic tickets issued last year as compared with the previous year. Of course, I quote them that figure. Getting the people down to these lower speed limits is going to take a great deal of time. Certainly they are travelling at lower speeds than they did when the speed limit was 10 miles greater than it presently is.

I believe the public is being educated, particularly through the greater number of tickets that are given. As I say, it's about a 60 per cent increase over the previous year since the speed limits were reduced.

Mr. Nixon: Might I ask the minister if he has specific information that the average speed is down, or is that just his impression?

Hon. Mr. MacBeth: If you ask me I have got a report that says what the average speed on the road is, no, I haven't got that. We can certainly get something more specific. I'm just looking at the fact, from my own experience I guess, in travelling Highway 400, when I myself used to travel a few miles over the speed limit, many people went by me at that.

Now if I'm still a couple of miles over the speed limit, there are a few people who are still going by me, but not at the great speeds they used to go by me. So I think we have reduced the average speed by about 10 miles. But that is an impression, you are quite right. I'm using my own observations in my own driving rather than the statistics. So when you pin me down, do I have a report from the police saying it is 10 miles lower; no I haven't. But I do have a report from the police saying that we have issued 60 per cent more tickets at the reduced speed limit.

I don't know whether I can get that other kind of information. I doubt if they've made that—

Mr. Nixon: I doubt if it exists.

Hon. Mr. MacBeth: I doubt if they have made that kind of survey. I don't know how they would, exactly, without knowing how much—

Mr. Cunningham: Especially the trucks.

Hon. Mr. MacBeth:—without knowing how much the average speed was before over the speed limit.

Mr. Nixon: They've just made a lot more lawbreakers; they haven't really reduced the speed.

Hon. Mr. MacBeth: No, no; I would disagree with that. I think they probably could give you some information on the amount over the speed limit they're now clocking

people at, as compared to what they were clocking them at before. I think you will find it is about the same percentage over, but I would have to get that for you. I don't have it.

Mr. Nixon: Do you go over the speed limit in your government car?

Hon. Mr. MacBeth: Very rarely, sir, very rarely.

Mr. Chairman: Order, please.

Mr. Nixon: I find that shocking.

Hon. Mr. MacBeth: I must admit that once or twice I have and only when I am driving it myself. The provincial driver never does that.

Mr. Nixon: That is even more shocking.

Hon. Mr. MacBeth: Is that more shocking? I will have to take the blame. But very rarely, very marginally.

Mr. Nixon: Just by a mile or two; pardon me, a kilometre or two.

Mr. Chairman: Would the member for Brant-Oxford-Norfolk please keep in order.

Mr. Nixon: Not when you are talking about OPP and the speed limit.

Hon. Mr. MacBeth: The hon. member has put me completely off here. I did want to mention Waterdown. I was in the riding of Wentworth North as recently as yesterday.

Mr. Nixon: You're wasting your time.

Hon. Mr. MacBeth: I was just through there to observe the beauties of the riding.

Mr. Cunningham: Certainly is.

Hon. Mr. MacBeth: I went to the rock garden, and then up from the rock garden I took a nice little road I hadn't been on before that led up to Dundas Street. But in the process I went—I guess it was the old Guelph Road I travelled on—in any event I went by the old OPP Waterdown detachment building there. They ran a good detachment there and that is in the process of being turned over to the regional police.

Mr. Cunningham: Sad.

Hon. Mr. MacBeth: It may be. The Hamilton-Wentworth regional department is a good force. We will still be patrolling the highways in that area, but gradually they have taken over the other policing duties.

Mr. Cunningham: Did you sell the building?

Hon. Mr. MacBeth: That is still under the process of negotiation; of course it won't be my ministry that will do it, it will be Government Services.

Mr. Nixon: You don't have anything to worry about there, George is bidding at \$5.

Hon. Mr. MacBeth: I think they want it for \$2. I think the building is in much better shape than \$2. However, I won't comment on whether they should get it for \$2 or \$2 million—

Mr. Breagh: Better be careful John Rhodes doesn't get hold of it. It will cost you more than two bucks.

Hon. Mr. MacBeth: We want, in any event, to co-operate with them and see that a police detachment of some sort is maintained in that place. As you know, we will be continuing to do the provincial highways in that area.

Mr. Cunningham: I am just wondering, Mr. Chairman, has the minister undertaken to see that all the speedometers have been changed and all the speed detecting equipment has been changed to reflect our new metric speed limits? An when did that take place if it did?

Hon. Mr. MacBeth: You mean in the provincial cars?

Mr. Cunningham: Yes.

Hon. Mr. MacBeth: The OPP have certainly changed all of theirs with the new signs on them. Of course most of them had, I assume, the new kilometers marked because they are fairly recent cars that most of the police drive. Certainly I personally haven't examined them all to see if that has taken place, but they have had extensive information and instruction on the metric system and how it affects their problem with traffic control. So I think that has been done, but I can't say that I have personally examined them.

I just wanted to mention the comments of the member for Wellington South (Mr. Worton) on bringing greetings to his riding last week where an officer from the force was retiring. I thank you for extending those greetings. I didn't know when I asked him to do that that he'd be walking into the hornet's nest that he did.

Mr. Nixon: He blamed it on you.

Hon. Mr. MacBeth: I am sure he would. I can't say anything more. I spoke on it earlier. I don't think it's about to happen and certainly we in this ministry will resist it for the many reasons that I gave earlier. I am sure you defended me well, and thanks for doing it.

Mr. MacKe: Mr. Chairman, I have a couple of little things I wanted to speak to the minister about on this particular vote. The minister and I have talked about these things

before, but I was intrigued by the fact that he mentioned that his own personal position was that he feels that more warnings could be used rather than charges. I was a member of the OPP for eight years and I recall when I took my training here at 13 Queen's Park Crescent, where the Frost Building is now, there was an instructor there by the name of Bill Oliver, Sergeant Oliver, and one of the things that I recall him telling the class at the time was that a policeman is not judged by the number of charges he lays but by the absence of crime in the community he serves. I think that is still good today.

When I was on the OPP originally, when I first started out, we were given a lot of leeway. We used our own judgement and we didn't have too many NCOs standing over our shoulders telling us what we should do or shouldn't do. We had enough to get some advice from, but it really was a matter of a policeman making his own judgement on many things.

Mr. Nixon: What year was that?

Mr. Maeck: It was 1949 when I joined and I resigned in 1957.

Mr. Worton: Better than politics?

Mr. B. Newman: Better than politics?

Mr. Maeck: Well, I'll tell you, it was a little easier. The pay wasn't too good in those days. Anyway, to give you an example of what I am talking about, it's not so long ago that I had a constituent come into my office and this gentleman was, I believe, 68 years old. He had become involved in a minor accident. A lady had backed out of a driveway and into the back of his truck or something such as that, and the lady was charged with an offence under the Highway Traffic Act. In the investigation, the police officer suddenly realized that this gentleman had not changed his address on his owner's permit and immediately gave him a summons for \$28.

In my day, we would have probably said to that man, who was a local person—he'd moved probably 20 miles from where he had originally lived all his life—we would probably have said, "You go and get your address changed on your owner's permit and come back to us in 24 hours" or 48 hours.

Mr. Nixon: Very sensible.

Mr. Maeck: The job would have been done, he would have been happy and the law would have been complied with, but today it seems to me that in many detachments—and it may not be prevalent throughout the whole province—there seems to be a competition as to who can lay the most charges.

I just don't believe that that is the way police work should be done. I believe it can be done just as effectively in many cases by issuing warnings, and there's no reason why the officer can't keep track of the warnings that he has issued so that he can report to his senior people that he is doing his job. I just believe that in some cases we have strayed too far from that system. I am not advocating warnings for not using seatbelts. I am not advocating warnings for speeding. I believe that those are safety things that should be enforced very strenuously. There are many small traffic offences where I believe charges are being laid today just as a matter of bringing up the count.

Mr. Lawlor: No wonder this is five million too many.

Mr. Lupusella: Just to raise money.

Mr. Maack: I just believe the job can be done just as well in many cases by issuing warnings. So, Mr. Minister, I am very happy to see that you share at least part of my outlook.

While I am on my feet I would also like to mention that I believe each summer even yet we are having OPP officers transferred from detachments in the Parry Sound area to do summer duty in places such as Wasaga Beach and other places.

[4:30]

I'm wondering if that is still continuing and, if it is, I'm wondering if those officers could not be picked from areas that are not tourist areas, because we have a great influx of people in the Parry Sound area during the summer and that's the time we need the extra officers. Yet that seems to be the time that they're siphoned off. I would suggest to you that the people from southern Ontario are spending their time up north and maybe you wouldn't need as many down here. Maybe those are the ones who should be going to the special duty detachment where you increase the staff for the summer.

Hon. Mr. MacBeth: The hon. member for Parry Sound has spoken to me about his thoughts in regard to issuing warnings, and I think I share them. As a matter of fact, when I was speaking to some police here a short while ago I mentioned your words to them, that the effectiveness did not depend on the number of tickets that has been issued but the spirit of law-abiding people in the community. That's good, and that's why I would like to see us place more policemen on the beat, where they know the community people and know which ones they can warn and which ones they can't warn. I think that can apply to many of the

small towns across this province, where the policemen should know the people they are dealing with.

It becomes a little different problem when you are dealing with Metropolitan Toronto, as I'm sure you realize. A policeman may stop me today for doing two miles over the speed limit, that I admit that I sometimes travel. If he issued me a warning he doesn't know he's just one of many policemen who have issued me a warning. In the course of a week I may get 10 policemen stopping me, all giving me warnings, and me not doing anything about them because I know I'm going to get that kind of easy treatment from them.

Mr. Nixon: But that wouldn't happen if you drove over the speed limit.

Hon. Mr. MacBeth: I know that won't happen, but that's what I tell most of the people who write to me who think they have been unfairly treated. I said that if they keep by the laws they won't be unfairly treated. That doesn't always get a very warm reception from the recipients of the letters either.

However, all I'm saying is if we could have more community policing I think we could do more of that, but the police are abused many times and taken for bits of patsies if, in a municipality like Toronto they simply issue warnings rather than the summonses.

In trying to enforce the seatbelt legislation, I have asked the OPP and the municipal police through the OPC if they will not be a little tougher in issuing summonses, in that they've had a considerable length of time to give warnings, and for the most part they have been warnings with regard to seatbelts. I'm asking now that they should toughen up and give a few more summonses for non-wearing of seatbelts than they have in the past.

This again becomes a matter of discretion. We give some general guidelines, as we've attempted to do on seatbelts, but it really comes down to the point that the member for Lakeshore (Mr. Lawlor) was using at the start, let's give our policemen a little more discretion. I would suggest that the discretion that can be used in community policing is a little broader than the discretion that might be used when you have the kind of policing that is done in Metropolitan Toronto.

The member for Parry Sound also asked about taking constables from the Parry Sound detachment and using them in seasonal detachments. I can't say whether that is done in Parry Sound, but you're telling me it is

done. That is a matter that the force regulates. I certainly don't try to give them any direction as to where they take their people from, but we do have a number of seasonal detachments, as you are aware, and they take the people to staff those from the places where they feel they can afford them best. I can see, yours being a summer community and you have an influx of people, that you say take them from some other place, and I'll discuss that with the commissioner. As I say, he's doing it on the basis of where he feels he can spare them best.

Mr. Lupusella: Mr. Chairman, if I may, I would like to reply to a fundamental problem which was raised a few minutes ago, the relations between the police force and the public. I think the Solicitor General recognizes this particular problem existing, especially—and I want to emphasize the word especially—in the Metropolitan area.

I raised this particular matter in my opening statement. The police should change their attitude when they are dealing with the public. I think that is a very, very important issue and I think the public also recognizes a lack of concern coming from the police force. I had a great opportunity to talk to a lot of people here in Metro Toronto especially to people coming from each different ethnic community in the Metropolitan area. They are really concerned about this attitude.

I don't think people are worrying so much that they have been penalized, that they have to appear before the court, that they have to pay a traffic summons; they are really concerned about the way the police officers are treating them when they are approaching the public. That's the principle which I would like to raise during these estimates, and I think that the Solicitor General is supposed to bring this particular concern to the police force.

When the police stop someone in the street, that person, I'm sure, will recognize that something was wrong. If the police officers are going to be a little bit more humane—that's the word which I would like to use—more humane when they approach the public, I think the public will respond in a better way. They are not worried so much because they are supposed to pay the summons, and I'm sure they will recognize that they were wrong in some way. It's the duty of the police officer to approach that person in a more humane way, which at the moment is not done.

The ethnic communities and a lot of people in Metropolitan Toronto recognize this kind of a problem. We can integrate the principle of education of the police officer and the pub-

lic through this kind of approach between the public and the police officer. I'm not saying that the police officers from now on don't have to penalize people when they are wrong. I'm not saying that. It's the kind of approach—to explain to people why they were wrong. I'm sure most of the time when police officers are giving out tickets they don't explain to people why they were wrong. That's the kind of educational approach which we have to use in the province of Ontario.

I'm not saying, as someone suggested when I made my opening statement, that from now on we don't have to stop the criminals, or we don't have to take criminals to court. I'm not suggesting this kind of a principle. I'm suggesting that police officers have a role in our society not just to penalize people but to educate people by being more humane when they approach the public. I hope that I make myself clear on that statement and I hope that the Solicitor General will understand, and understood what I was talking about when I made my opening statement.

A lot of people among the ethnic communities see the misunderstandings which are taking place between the police officers and the minority groups in Metropolitan Toronto. I hope this kind of attitude will change somehow and that this message is going to be brought by the Solicitor General to the police force here in Metropolitan Toronto.

A lot of people have been coming into my office complaining, not so much about the amount of money which they are supposed to pay in court, or just because they were taken to court. They've been complaining about this lack of understanding and lack of concern by the police officers. I hope the Solicitor General will consider this particular problem and will bring this kind of message to the police force in Metropolitan Toronto.

Thank you, Mr. Chairman. Could I have an answer to that, please, if it is possible?

Hon. Mr. MacBeth: Yes. I hope I expressed sympathy with those views in what I have previously said. Again, it comes to dealing with a municipality like Toronto or Hamilton, or a local municipality where all of the policemen know most of the citizens there. So often the policemen in Toronto see a person for the first time when they are dealing with him because they've stopped him for a traffic offence or something else, and may never see that same person again.

It becomes difficult for them to know who are the good guys and who are the bad guys, and I'm afraid sometimes they take the attitude that everybody is a bad guy. Not all policemen do so, but certainly some do, and

they approach a lot of people on the basis that they have to be rough and tough with them before perhaps sounding them out and saying: "Is this a person whom I can treat as another human being as opposed to somebody who is trying to pull the wool over my eyes?"

Thank goodness, most of our policemen are polite. The member for York Centre raised the point where he had seen a Metro Toronto policeman apparently intimidating some person in public near the exhibition grounds. **Regrettably, that does go on from time to time. It shouldn't go on. I know a person who is most concerned about that is the Metropolitan Toronto Chief Harold Adamson, who instructs his police otherwise.**

Certainly, they are instructed otherwise in all of the schools they attend, whether at Aylmer or whether at our own OPP college on Sherbourne, or the Metropolitan Toronto college, or the various police schools across the province. They should be courteous. Certainly, I will pass your comments on to the various forces, suggesting this matter of sympathy and courtesy when they're dealing with individuals.

I wanted to make a comment in regard to the ethnic problem, because I know you raised it with me over a year ago in connection with the enforcement of our holiday and Sunday closing bylaw. I shouldn't call it a bylaw, our statute.

Mr. Lawlor: You are still on the Etobicoke council.

Mr. Nixon: He wishes he were.

Hon. Mr. MacBeth: Yes, sir, it was pretty good there too. They were good days. However, when I refer to bylaws I guess I'm thinking of birdhouse bylaws and bathwater bylaws. In any event, when we're dealing with the ethnic communities there are a variety of traditions, a variety of practices that each of the ethnic communities carry out. Of course, when we are drafting our statutes we don't allow that the Portuguese people may do something that is in keeping with their customs. We have made certain allowances for the Jewish people when we were dealing with the closing bylaws, and maybe we should have tried to accommodate each of the ethnic groups for their own purposes.

Yours was a concern about selling certain things in Portuguese stores on a Sunday which they might ordinarily be able to sell in their own native land. I don't know how you can accommodate that. We have asked the police to be sympathetic with it, yet the police can't say, "All right, this is a set of

rules or laws for the Portuguese and there is another set for the Italians and another set for somebody else."

There has to be a certain uniformity in our laws, and if the exceptions are not made in the statutes or the bylaws it becomes a little difficult to ask the police to apply those, other than in the same sense that you are asking they apply them with, a little courtesy and a little understanding. Thank you.

[4:45]

Mr. Lupusella: I just have a short comment, Mr. Chairman. I didn't really raise the particular concern of enforcement of the law by the police. I'm not trying to make any exemptions for people. There are certain statutes in the province of Ontario. I think that police officers, in a good manner, have a role in the implementation of those statutes. I do recognize that but I don't see any justification of the toughness between the police officers and the public. I am not just emphasizing the problem of minority groups. I am talking about Metropolitan Toronto and the province of Ontario as a whole.

I think when police officers meet the public they should be polite. Policemen shouldn't be the judges on the street. That's what I am trying to aim at. It's up to the judicial process to recognize if the person is found guilty or not. I am not saying that the person shouldn't be taken to court if he made a mistake or didn't follow certain regulations.

I am talking about the particular problem which is taking place when the officer is approaching the public, the way they are approaching the public, the way they are fining the public and the way they are taking people to the police cell or before the court. That's the critical point which I hope the Solicitor General will understand, and that's the principle which a lot of people are complaining about. Toughness in 1977 is something which shouldn't exist at all. The way policemen are approaching the public is something which is important. I want to say to the Solicitor General, as an example, if I break the law, of course I recognize there are certain detrimental effects just by breaking the law, but I cannot support and I cannot see the policeman really being rough to me, screaming on the streets when they stop me. They have the role of educating me by stating, "Well, sir, you made the mistake. I don't think that you should do it. That's \$28 which you have to pay."

I would be more pleased if I saw this kind of effect taking place between the police officers and the public. That's the complaint which is taking place from the public to the

police officers. I hope somehow and in some way this problem will disappear, especially in Metropolitan Toronto.

Mr. Chairman: Was there any reply from the minister?

Hon. Mr. MacBeth: No, I don't think I can add anything further, Mr. Chairman.

Mr. Nixon: I am not sure how we got so specifically on to the matters of policing, but since we are there I do want to join in the discussion that has gone on now for about the last hour. I want to take another point of view and to assure the minister that I know that he wants the police to act in a proper way with those people they contact in the community, and, in my observation, they almost invariably do.

I want to say, on the other hand, that if the police are in a situation where they have to have their authority at least acknowledged, particularly when they are dealing with young people, then I do not approve of any of the muscular stuff unless it is necessary. I do feel that the police, in the experience that I have, do accomplish this in a reasonable and fair and equitable way.

While you may have had indications from my colleagues and other members of experiences where the police have transgressed, I think we must make it quite clear that we also expect them to enforce the law. We, as members, meet the police ourselves when we are that mile or two over the speed limit that the minister referred to. I, myself, have not, of course, experienced that, but I understand that some have.

Mr. Samis: What about the member for Essex North (Mr. Ruston)?

Mr. Nixon: Even before they see your licence, I find they are invariably polite under those circumstances, but it is not often you get a chance to see them in action where there is some real action around, when they are not aware they are being observed by somebody, let's say a member of the Legislature or some other person on a police commission. Just outside our farm gate, about three weeks ago, there was a very serious accident involving a lot of property damage, injury and so on. The representative of the Brantford detachment who came out there—certainly I was watching him in action, and I thought more than once, not only how well trained he was, but what good personal sense he showed as the only officer on the scene, with all sorts of people around there undertaking to direct traffic and do this and do that. In a very fine way he assumed the leadership of all these well-

meaning citizens so that what had to be done was accomplished without delay.

What really impressed me was that after the ambulance had gone and after the tow truck had dragged away the wrecks, he went around and shook hands with three or four of the people who had been particularly helpful to him. I thought, those people are going to go home and be very impressed with the fact, not only that they had come forward as citizens and helped but that the person in charge had recognized their help.

You can train them to do many of these things, but it's basically the good sense of the man or the woman. We have a number of women OPP in our area who are being well received and who are very effective, I understand, at determining that mile or two over the speed limit that we were talking about.

I do want to say something about the matter the minister raised in his opening remarks having to do with policing, and that is the commitment of dollars towards the police force. I was quite surprised actually to see that the amount we expend on OPP was as small as it is. Presumably this does not include their offices and the serving of their offices.

I know we are not dealing directly with OPP now but with policing in general. However, I would hope that the minister would use his undoubted persuasive powers with those of his colleagues who want to establish regional police forces, even in areas not now regionalized. I really believe that this in the long run is a mistake. Our OPP have an excellent reputation. When they appear on the scene they carry with them a kind of authority that I would say to the minister is unmatched by other forces.

In my view the OPP is to be preferred to allowing and insisting on regional policing to come out into the square miles of rural areas where highway patrols are necessary and where policing in small towns or villages that don't even have a bylaw enforcement officer is necessary.

There is an argument on behalf of the local people as well; that is, that it is cheaper for them. But as soon as you insist that they go into a regional policing situation, they pay for the OPP through their regular sources of taxation and then pay through the nose for what is essentially an urban kind of policing, which they don't want and which, in my opinion, they don't need.

There has got to be somebody in that cabinet, in the arguments that I hope are taking place behind closed doors, who is going to put that position against the un-

doubted powerful arguments from the Treasurer and others that have led us into the multiplicity of hugely expensive regional police forces. Certainly I would not in any way criticize those regional police forces, but my own observation is that their capabilities and their morale leave something to be desired.

We were at the opening of the police headquarters in the town of Paris. A representative of the Ontario Police Commission was there, and we may talk about that in detail under another vote. But one of the things that was discussed—we were talking about the undoubted excellence of the refurbished house that was in use in Paris—was the comments made by people with a broad ambit of responsibility about, for example, the new regional police headquarters in Hamilton-Wentworth.

Somebody said that, taking into account all the expenditure associated with that, there was a commitment of \$15 million for that regional police headquarters. It probably was the most effective and up-to-date police headquarters in the world—and no doubt there were those people who had travelled to many parts of the world to see that it was—with in-house TV surveillance and all the rest—everything was the best that money can buy.

Of course we want the best for Hamilton and region; and yet I would say to the minister that if, through our regional governments, we are going to provide the best in this area as well as the best in new regional headquarters—and, as in the instance of Hamilton-region, the very best in lower-tier regional governments—then we are just not going to be able to foot the bill.

While we're talking about this specific instance, I really hope that the minister is going to be perhaps a little tougher than he sometimes is with us and others in putting an alternative approach to the general policing across the broad areas of the province to his colleagues. Do not allow us to be sucked in to this regional police concept by the argument from the Treasurer and others that some people are getting off without paying their fair share.

You might even have to accept an adjustment in the so-called fair share, but you should be arguing, in my view, not for any decimation of the OPP—in my view it is the best police force that I have ever experienced, and I have seen the police in Paris, France, with the tommy guns on their backs. I've tried, for example, to get into the legislative building or the parliament buildings, *Chambre des députés*—as we call

it in South Dumfries—in Paris, and seen the barbed wire and the armed guards and had them put the gun across like this to keep you out.

Maybe that's necessary. Thank God, it's not necessary here. At the very other end of the policing situation, I know that in the small towns in my constituency, where some of the young bucks get out of hand on Saturday night and maybe Friday night and maybe Thursday night too, there is no police there, but when the black and white car comes in and the people in the properly kept up uniforms who know how to handle those situations arrive, there is a feeling, "Well there's somebody here who knows how to run this situation and bring it under control."

While, of course, they must be polite, they must also be prepared, when the circumstances warrant it, to be tough as nails so that these people who are habitual law-breakers, pushing closer and closer to the line, are going to know that in the name of public order there is someone there who knows how to enforce the law, knows how to treat these people—not with brutality, which we can't admit, but at least with the strength that is obviously required under these circumstances.

I'm glad the minister is saying we're not going to back down on this budget, and I would certainly support him, as it expands.

Hon. Mr. MacBeth: All I can say to the hon. member for Brant-Oxford-Norfolk is thank you very much for your support of the police. You've expressed it to me from time to time, but again, I'm going to send a copy of Hansard containing what you've said to the commissioner, because it's good to hear it said and it's not said frequently enough.

I've got my concerns about regional policing, mainly from the point of view that we do have a good provincial force, as everybody here seems prepared to admit, and that if we allow it to gradually be dissipated by reason of regional forces taking over large areas of the province we will come to the point where the force may not require certain operations that it has.

If it's left, for instance, with only the northern part of Ontario to supervise, then how do we maintain some of the operations that it presently has? I know that the commissioner is concerned about this as well. We don't want it to become merely a highway patrol, as it might do if we simply said, "All right, we'll continue to manage the provincial highways of the province, but you look after all of the Criminal Code offences and things of that nature."

I want the force to remain capable of looking after Criminal Code offences. I want it to remain capable of looking after all parts of law enforcement and not those just dealing with highway traffic. I too am concerned. Our ministry is concerned and the commissioner is concerned that taking over various regional forces should not be done to the detriment of the OPP.

To a certain extent you can say that is already happening by the regions that have been established, but I think that has slowed down. I hope it has slowed down, and I will certainly make my voice heard, not only here in the House but in the cabinet if there is any continuing movement in this way.

Mr. Nixon: You could even roll it back.

[5:00]

Hon. Mr. MacBeth: It could be rolled back. I don't want to speak against regional policing. I'm concerned not so much that the regional forces are good, but that the provincial police should not become less able.

Take, for instance, regional policing: When the municipality of Durham took over its regional policing, it immediately was concerned about the response time. We don't expect to have a two or three-minute response time to all of the calls that the OPP get. If you recall, down in Pelee Island we were criticized last year because it took them a day in some circumstances with bad weather and a few other things to answer—

Mr. Ruston: They can't walk across water; some of them found it hard to get there.

Hon. Mr. MacBeth: —what appeared to be a routine call. If it was an emergency call, I hope other measures would have been taken. But in the eyes of the caller it was an emergency. That is one thing regional policing is doing. It is lessening the response time. I mentioned that in Durham. They were slow to take over the northern part of their region because they said there was no way at the present time they could give the kind of response time they were giving in the southern part without a great many more automobiles and men to do it.

When you look at regional policing, I think it does in many cases give a better service. It has better communication and it has better response time, but those, I agree, are not the only factors to take into account. As I say, I don't want to get into an argument with you other than to point out some of the other sides. Basically I am in agreement with all of the things you have said about the OPP, regional policing and things of that nature.

Mr. Williams: There are two matters of concern to me that I would like to discuss with you pertaining to the policing, and in particular the enforcement of speed limits on provincial highways. If I could for a moment, I would like to pursue the matter that was raised by the member for Wentworth North (Mr. Cunningham) a while back when he made reference to the use of official metric speed limits.

In that regard, it is my understanding that when the federal authorities enacted the metric system and it became the law of the country, they did not at that time make it mandatory that all of the existing automobiles on the highways had, in turn, to convert the speedometers in their automobiles other than the automobiles that were being manufactured during the current production year and subsequent thereto.

Consequently, I perceive that possibly a difficulty could arise. I ask you without intentionally begging the issue, whether or not the inception of the new metric system and speed limits, to your knowledge, any court cases have arisen wherein the technicality has been raised by counsel for a person who has been charged with a speeding conviction that because the person was being charged for speeding using the metric figures while the speedometer within the automobile was using the old system of determining speed; therefore a technical defense would exist, bearing in mind that the motorist would not be expected to be continually making mathematical conversions in his mind as he is driving as to relating the speed in miles to kilometers.

I was wondering whether, in fact, that difficulty has surfaced to your knowledge. Of course, if it did arise it would create a monstrous problem as far as the courts successfully prosecuting cases of that nature. As I say, while it may be begging the issue, I think it is of sufficient importance and one that I know has raised some concern in speaking to some of my legal colleagues as to the potential technical defence that it does provide. For that reason I raise the question with you as to whether or not, to your knowledge, it has become a problem in the courts and as it relates to the day-to-day enforcement of speed limits on the provincial highways.

The second question, which I'll raise at this time before the first one is answered, so that staff could perhaps be preparing some of the information for you if it is not readily at hand, is with regard to that other aspect of enforcement of speed limits on provincial highways. I refer to that part of our pro-

gram that relates to enforcement by air patrol, as contrasted to the more conventional use of surveillance by radar in parked police vehicles at different locations on our highways.

Could you indicate what resources in the provincial force are used in our air patrol program; what percentage would relate to our overall program of enforcement of speed limits on our provincial highways? What percentage of our highways are designated for air surveillance? Could you indicate how many of our police officers are trained to conduct air surveillance? How many aircraft do we have that comprise part of our equipment used for this purpose and how many aircraft are leased for this purpose to carry out the air surveillance work on our highways?

Could you indicate what overall cost would apply to the general enforcement of speed limits as it relates to the overall costs that are before us in the estimates; that is, what percentage of the overall costs applied towards the enforcement of speed limits on our highways could be associated with the cost of equipment and personnel in the air surveillance section of our law enforcement program to the overall program?

Could you indicate also whether those costs are proportionate to the revenues that are derived as they relate to the air surveillance program contrasted to the overall program—expenses versus revenues derived?

I am wondering whether you could give us some general indication as to how those programs tie in together, the general program and the air surveillance program?

Hon. Mr. MacBeth: As you know, we've been dealing with a good number of general questions and I felt that I could deal with most of them here with the deputy and our financial advisers. The questions that the hon. member for Oriole just asked—that is, dealing with air surveillance and the general proportions of how much we are spending on air surveillance as regard to on-the-road surveillance, I am not able to answer at this time. They are all good questions, and we can certainly supply answers. I'll take notice of these questions and we will have answers when we are dealing with the actual traffic division of our OPP vote, which is a little way off. Since they are specific questions I would prefer to deal with them in that way, but we do have notice of them and can certainly have that information available.

In regard to the transfer to the metric system, as you know, that came into effect on September 6. For the first little while I think all the police forces were probably

giving the kind of warnings that we were talking about, becoming familiar with the operation itself and waiting for the proper signing of the new metric speeds.

I don't know of any problems before the courts at the present time in the enforcement of the new metric limits. I assume there will be some problems—and maybe the Attorney General can give us an up-to-date report on it—but I have not heard of any complaints through the policemen that they are having trouble with it. I think we would have those complaints now if the police themselves could not understand or were having difficulty in the administration of it.

But of course the tickets that are paid willingly—I shouldn't say willingly, but if they go in and pay without contesting they will have been paid. I doubt if any of the ones that may be contested would have reached the courts yet, this still being the month of October. I'll ask the Attorney General for some information on it, but there have been no complaints from the police that I'm aware of and I suspect that the courts have dealt with very few contested cases, if any, to this date.

Mr. Warner: Mr. Chairman, I'd like to go back for a moment, if the minister would allow, to some comments that were made by my colleague the member for Dovercourt (Mr. Lupusella) and the response. I certainly see a difference between the members of the police force having some good general presentation to the public, of being co-operative and so on, and a basic attitudinal difficulty. I'm wondering what the minister would have up his sleeve if he is confronted, first with a task force headed by Walter Pitman that was struck in Metro Toronto and which is to release its report in a couple of weeks—Inter-racial Violence in Metro Toronto—and if he's further confronted with evidence from perhaps the Ontario Human Rights Commission from the group that's headed by Dr. Wilson Head—the name escapes me for a moment—or from other quarters to indicate that part of the difficulties with race relations in Metro Toronto is with the police force. What if that report says the difficulty is an attitudinal one; obviously not among most of the community relations officers, of whom there are very few, but among the general force? I'm wondering if the minister is faced with that kind of information and that kind of impression coming from many different quarters, if he can respond in a positive way to it?

I realize part of the difficulty; I think it's something that I mentioned last week when we were dealing with it. Metro Toronto has

identified a need for an extra 100 officers; many of those should be included as community relations officers, but the Treasurer (Mr. McKeough) has decided that Metro Toronto can't have any additional officers. Okay, that's a problem. It's a problem you have to live with as well as us.

But I'm wondering what you do about the attitudinal problem, if it's identified; if you become convinced that it's there, that it exists among officers on the force. Is there some special way that you have of handling them? Does it make sense, for example—and here to be more concrete about it I'll mention the East Indians: Part of the East Indian community in Metro Toronto had made an offer to the Toronto police force of running some courses for them that would help them to better understand the culture and the background of the people who are coming here from East India. That, I understand, was rejected by the Metro Toronto police force.

I'm wondering if that kind of culturization, that kind of education as to cultural practices and religious practices and so on, would be a very good type of thing for the police forces in Metro Toronto—and perhaps other urban centres, but particularly Metro Toronto—to be engaged in? I fully realize you may want to comment more fully when we get to the part of the vote that deals with the police college, because surely that's where much of the training time should be allotted, maybe that's where a lot of the problems perhaps stem from.

[5:15]

But given an existing problem, where do we go from here? What is it that you can do to provide some guidance and some leadership to overcome what I perceive to be a very real problem for many of our ethnic communities, in particular at this point in time the people from India and Pakistan, and other similarly placed countries? Sure, it's one in a series. There have always been racial problems in Toronto, stemming back, I guess, to the days around the turn of the century when the Irish Catholics were beset upon in this city, unable to get work and so on. This is the latest in a series, but it's more pronounced than perhaps what we've seen, save for the early 1950s when Italian people were under great pressure and great attacks by people in this city.

I want to know from the Solicitor General where we go from here. What is it that he can do to help overcome the problem? What is it that he can do when the Metro Toronto police force turns down an opportunity for their officers to learn more about the ethnic

communities that reside in this city, because I think he well understands that when we put it into perspective we're talking about an extremely large population? We're not talking about a handful of people at all. The Italian community in our city probably numbers 400,000. As we start listing from there down—the Greek community, Indo-Pakistani community and so on—we're probably talking a balance of, I'd say, at least three-quarters of a million people in Metro Toronto. That's a pretty sizable number. We have a difficult problem and we don't seem to be getting answers.

Lastly, I'd ask, if the Solicitor General can respond would he also put in what happens after November 6, when there is to be a very large rally outside of Toronto city hall by people from the East Indian community with regard to the police force and what they see as inadequate service? Of what assistance can he be in responding to that very desperate cry you're going to hear on November 6? Where do we go from here?

Hon. Mr. MacBeth: In response to the opening remarks of the critic of the NDP, I spent some time last Monday dealing with this subject. I mentioned that it was a sickness of all of our society that we allow prejudices of this nature to find expression in various ways, some of them with lettering on the sides of buildings and walls, others with verbal abuse, and still on occasion physical abuse.

With the police being a portion of society, regrettably sometimes it does turn up in the occasional policeman, but I would say that where it turns up in the police it is in a far less percentage than it is in the population as a whole. All I can say is that it is a matter of continual education. The police themselves—and I'm particularly thinking of Metropolitan Toronto now—have a very extensive educational program through community officer of work where they are trying to relate one group to another group and go in and take an active hand in that. Certainly they have courses throughout the force that try to bring about the kind of tolerance that we should have. It is an educational program and is ongoing.

I think our newspapers are doing a good service in this regard and so are the various media. Regrettably, of course, while they are preaching this kind of tolerance, sometimes they are the ones that give evidence to the intolerance that is there. So, while they are doing a good service on one hand, sometimes they do a bad service on the other.

However, I don't have any easy solution for it. I'm sure you don't either, other than continual education, which is going on. We have special courses at Alymer dealing with this kind of understanding, teaching the traditions of one ethnic group as opposed to another ethnic group. I've mentioned that Toronto has that; Toronto has a good community police program.

You suggested the Treasurer said they could not have any more policemen. I would suggest to you that is not correct. He may have said there is a limit to the amount of money that we, the province, are going to supply to them. But, as you know, they are entitled or have the freedom of employing all the people they wish if they wish to pay for them. Of course, there is always the "if," whether we at the provincial level wish to pay for it or the citizens at the municipal level wish to pay for it. There are, of course, some limits on that on both sides.

I have nothing more to add, other than what I said the other night. If you have any easy solutions for this great problem we'll be glad to pass them on to the police, but, as I said, continual education is, to my mind, the answer.

Mr. Stong: There's been an awful lot of territory covered since I last spoke of this issue here this afternoon, but I do have some specific questions dealing with the police training, public relations, methods of gathering evidence and giving evidence in court, but I prefer to leave those comments until a specific vote.

However, there is one thing that I would like to mention prior to passing this vote and that is the reported alleged layoff of 75 OPP officers. I endorse fully, Mr. Chairman, through you to the minister, what he has said and his attitude. I can't let it go past without referring to the subject matter of the article that appeared in the paper. Perhaps I'm suspicious by nature, but I do not impute any improper motivation to the minister, particularly the minister who holds the office of the Solicitor General.

I would say that the subject matter of this article at best is suspect, and at worst will probably show a great lack of communication between the office of the Solicitor General and the rest of cabinet, and perhaps Management Board. I'm not sure how this article got reported or how the information leaked out to the particular reporter but it would seem to indicate, from where I stand, that there is a lack of consideration. The fact that this type of information could be leaked to the public prior to cabinet considering

what the Solicitor General has by way of input is inexcusable in my mind.

I might say it's tantamount to building a straw house and then blowing it down; a straw man argument as well. I might say, as well, that it borders on the irresponsible, this type of thing being leaked to the public, because it would indicate an attitude wherein certain people are playing with the lives of police officers.

I received two complaints from police officers on the weekend after this story had been made public. I impute, as I said, no motivation to this minister and I agree with what he said. I'm sure that he had nothing to do with this as far as its being leaked. The fact is that we don't consider only the police officers in this respect, that their lives and plans are being played with, but the safety and the peace of the public in the communities is being toyed with and the communities become upset as well.

I think that some level of criticism should be levelled at the government in allowing this type of article to be printed at a time when the estimates are being discussed. It seems to me that it's a premature article and ought not to have been published. I would hope that the Solicitor General would be angry at the type of leak that this created and the fact that it was let out to the public prior to his input to cabinet.

I do support the Solicitor General, Mr. Chairman, through you, with his attitude as reported and his determination to keep those police officers on the force at this time when crime is on the increase and at a time when obviously—and we're hoping to demonstrate this through the estimates—there can be cuts in other areas but not in police personnel.

Perhaps one of the considerations, as I said in my opening statement, would be to amalgamate some of the ministries that are in existence in the Justice policy field; perhaps, as has been demonstrated today, in the overlapping of legal services, but in that area and not in the cutting of personnel. I think it demonstrates a great concern, and the government ought to be concerned, that this type of thing can be printed at such a time and in such a way as it was and leaked to the public as it was.

Hon. Mr. MacBeth: I could not agree more with you when you say that it's a concern to you. It was certainly a concern to me. I am not surprised that the information got out. I don't know how you do it in an organization the size of our own when you are making a survey. I could not deny, nor did I want to deny to the press, that this was a request that had been made to our ministry to see how we could reduce our expenditures.

We looked at it; and when you are looking at it, you go across the whole province. It is not just a number of uniformed people who would be informed but a number of civilian people as well who were working on this to report back to me. It would have fairly wide circulation in the ministry in order to obtain the necessary information.

I don't know where the leak came from but, as I say, there would be people in various ministries involved. Management Board knew that we were doing this examination. My ministry knew that we were doing it. I haven't got a figure, but I suppose there would be more than 100 people who would need to know so that the report could be made, and somebody who would be naturally disgruntled by it could very well have released it.

I have not attempted to try to find where it went out, because I think there are so many places it could have got out that it would be like looking for a needle in a haystack. Maybe we should be trying to find where that particular leak occurred, particularly when there was truth that we were doing this examination. It was hard to take any steps to react in any positive way when the question was put to me.

Mr. Moon called me on Friday afternoon and said, "Is this right?" He had definite information that this was going on and that so and so was about to happen. Of course it was the phrase "about to happen" that bothered me, because I knew it was not about to happen. But that is the way they operate and I was concerned.

Some of my concern, of course, was with Mr. MacDonald, who is the president of the OPP Association. He was most upset because the reporter had naturally gone on to him to say: "What have you got to say about it?" He was hot on the wire to me, saying, "How come you make your announcements through the press rather than dealing with me and otherwise."

Yes, I was most concerned about it. I haven't since had an opportunity of discussing with the commission whether we can try to find where the leak occurred. Maybe I should give some thought to following that up; I will certainly discuss it with the commissioner. But it could have taken place through so many windows that I am not sure there's anything to be gained by it at this time.

I regret that this type of examination has to be done in a fish bowl but it is one of the difficulties you encounter when you are dealing with a government that is as wide open as ours.

Mr. B. Newman: Mr. Chairman, I want to ask the minister if he is not concerned about the proliferation of plant guards and special constables that we find throughout the province of Ontario.

We find that practically every store will have one, two, three or a half a dozen security guards who not only take care of security within the premises but quite often go out on the street. The various big auto industries have them. They direct traffic and they do practically everything that the regular police officer would do.

Is the minister not concerned that we may be developing large private armies, so to speak, with the proliferation of special constable status to some of these people?

Hon. Mr. MacBeth: Yes, I am. We do have a proliferation of them, which I suppose reflects once more the society in which we live, in that every plant seems to need a guard and a good number of stores need private detectives of some sort to guard against shoplifting and that type of breach of the Criminal Code.

[5:30]

I am not suggesting we should say there will not be any because they serve a purpose and they help, I suppose, to maintain the law at private expense as opposed to maintaining it at public expense. One of the bills that we have ready for legislation, when we can reach it, is an Act to regulate them more carefully, saying what kind of identification they can carry, what kind of training they may receive, and when and if they may carry any arms at all. They have to get special permission now to be armed and that is very rarely given.

I regret that society needs them, or appears to need them, and I am certainly in favour of this being done at private expense as opposed to public expense. But I am concerned that we don't have greater control over their activities than we presently do. Legislation will be forthcoming shortly.

Mr. B. Newman: I wanted to ask of the minister when he was going to introduce legislation because we really do need guidelines as to the responsibilities of the individuals so named. As well, I would think they should undergo some type of formal training so that they stay within the ambit of their responsibilities, rather than go beyond that.

Mr. Warner: I would like to pursue this point for a moment. The minister made a statement that it is at private cost. I am wondering if he could be a little more specific on that.

For example, in one instance I had to deal with in my riding, it involved one of these security guards who had taken the law into his own hands and severely beaten up a constituent. That security guard had been in the employ of the school board. I take that to be a public responsibility. The school board has seen fit to hire a security outfit in order to guard the schools. It was while on this duty that the particular security guard got involved in an altercation which was entirely his fault and later admitted by the security company to be entirely the fault of the guard. I believe they dismissed the person.

None the less, the point of it all is that when you make the statement about it being a private concern or private money, I wonder where the boundary line is. In this instance, it was a school board which is publicly funded and publicly operated. Should they not be able to draw on the police force, rather than having to subscribe to a security outfit? The standards, as we know, without your legislation, as they stand now, aren't the same. They are far more lax in terms of these security outfits.

There is some question as to how many of them have firearms. In addition to that, they seem to be able to carry other weapons—not firearms, but other types of weapons they can use. I am just wondering where you draw the line. What is your definition of private versus public funds in this? Where do you put the school boards in all this?

Hon. Mr. MacBeth: I haven't tried to draw any line particularly. You realize that we have special people in this building protecting the security of this building who are not police officers. I don't think that's a bad thing. Mind you, the ones in this building are under the control of this ministry and under the control of the OPP. But there are all sorts of degrees, from this building right down to the smallest factory or store, where they may want to have security guards. Years ago they were simply regarded as night watchmen. I am not comparing all security guards to night watchmen, but so often now instead of having a night watchman they will employ one of these security firms to do that kind of work.

I see nothing the matter with school boards employing private people. I remember when I was on the Etobicoke Hydro Commission we had a security person from private industry who was on guard there all night long, making sure that the building wasn't broken into in any way. They have no right or no authority to take the law into their own hands and certainly not to

commit any breach of that law or to commit an assault. Some of them may have special police powers of arrest, but very few of them are licensed to carry arms of any kind. You say they carry other arms. Certainly we would take a dim view if they were carrying police batties or anything of that nature.

It's hard to have them under control all the time but they are inspected at the present time by the OPP and if there are complaints of that nature they should be made known to the OPP. As for saying who could employ them and who couldn't employ them, I think they should be available for everybody to employ. But again, if they commit a breach of the peace, as you indicated they did in the case you referred to, then that of course should be reported to the police and proper police action taken.

Generally, if it is a matter of a breach of the peace or some kind of physical force being used, the security people are the first to call in the police. That's what we tell them: If there's trouble brewing or you think that physical force might be either exercised against you or threatened against you, by all means call in the police. Primarily their job is not a strong-arm job at all.

Mr. McGuigan: I'd like to ask the Solicitor General if he's considered further the small towns which appreciate the efficiency and the professionalization of the Ontario Provincial Police and have over a number of years requested that the OPP take over local services.

I'm thinking particularly of the town of Dresden in the riding of Kent-Elgin, which has made this request a number of times, I think the most recent being August 16 when a delegation visited you. I think we can accept the restraints program in that we can realize the ministry perhaps doesn't have money to fund extra police work, but in the case of Dresden they estimate their present cost to be no greater under the municipal system than it would be paying for the services of the OPP.

You have given the answer that the problem is the government's system of funneling all incoming money into consolidated revenue and therefore it cannot be used to offset the additional costs of the provincial police. I am wondering, sir, what approach you're making to your colleagues, or what approach the members of this House can make to your colleagues, to examine that principle and see if it can't be altered. I wonder if there is some overriding reason that compels them to adhere to that system.

Hon. Mr. MacBeth: The hon. member for Kent-Elgin has raised this point with me, as he knows, and has brought in a delegation to see me. We are most sympathetic with the request of the people from Dresden to take over policing and hope to do so as soon as financial abilities allow us to do it.

As for financial abilities allowing us to do it, you are right that we have a strict budget this year and although we might be repaid by the good people of Dresden for taking over their policing, that is not the way in which the budget operates. That money would go to the Treasurer and we would still be told to live within our budget.

That is one of the matters that I said I would discuss with the Treasurer and with Management Board. We had started to prepare our background material to present to the Treasurer in regard to Dresden and a number of other towns that are in this same position where the task force suggested we should be taking over policing. It's one of those places where we yet have to move as fully as we'd like to move.

During the time we were in the preparation of this paper, this other directive came out that we should be looking around for further cuts and so the first paper has been side-tracked while we battle with this other problem of reduced personnel. When I get the problem of reduced personnel straightened out I hope we'll be able to go back to the Treasurer and to the cabinet in saying, "All right. In compliance with the recommendations of the task force on policing and at the request of certain towns across the province here is where we can move and it will not cost us a net dollar of anything."

Mr. Makarchuk: I would like to get back to the matter of the security guards and the firm that controls them.

There are a couple of items that are of concern to me. One of them is that there is a considerable amount of foreign ownership of these firms. The firms originate in the United States or some other country—particularly the United States. They come in here and what you have in essence is a large force or an army that is controlled by an outside corporation. I would like to get the minister's opinion as to what his feelings are about this growing tendency on the part of this province to allow these foreign corporations to operate in this province and run these security services. I think we have enough expertise and enough people here in Ontario that we could restrict the trend towards these foreign-owned and foreign-controlled private armies.

A second item that is of concern to me flows from the first point. There is a rumour floating around about who really controls some of these foreign corporations that are involved in the security business. One of the things that seems to be coming out is that perhaps organized crime may be involved in the security business in the United States, and consequently you have that kind of a problem flowing over the border. If you have a corporation and the roots of the corporation are across the boundary lines, you have no control. You really do not know what is happening over there. I would hate to see that situation developing in Canada. I feel that if the minister at this time decides to take some action perhaps we can prevent something of this nature occurring in the future. I would like to hear his comments on these two matters.

Hon. Mr. MacBeth: In reply to the member for Brantford, we will certainly take ownership into consideration before we complete our draft legislation. I don't think there is anything in there at the present time to say that they will not be majority controlled by a foreign company. I am not so sure whether we should or should not have such control. It is not a problem at the present time. Certainly if organized crime or the underworld were getting mixed up with them, it would be. They all are inspected by, and their licences are presently governed by, the Ontario Provincial Police who keep a pretty close eye on the situation. If they thought there were organized crime figures behind it, I am sure they would draw that to my attention, or on their own refuse to authorize them.

But there are a good number of large United States companies presently operating here, such as Brinks Express. I am not sure of that; I assume they are owned in the United States. Maybe they are Canadian-owned, so I should be careful in that regard. But I assume they are United States companies—Wells Fargo, I assume again, and Pinkertons. I don't know the ownership of those but I am assuming that they are all majority controlled in the United States.

We have had few complaints about how any of the larger firms conduct themselves. It is generally some of the smaller ones we are concerned with, when it comes to the ethics of their practice. But we will certainly take it under consideration and bear in mind what you have said.

Mr. Lupusella: If I may I would like to change my topic for a while, since in my opening statement, I raised the particular problem in relation to order paper 32, I

guess, which is instructing each minister to send the briefing material before the estimates start. I raised this point in relation to that particular ministry that the briefing material was sent on October 7. I don't want to make any dispute about the date when I received this briefing material.

The point I raised in my opening statement was that it was fair for each critic to receive the briefing material a reasonable length of time in advance. This was my main concern. Even though to the minister it is just fine that the briefing material was sent on October 7 and the estimates started some time on October 17, for me it is not a reasonable length of time. I would like to hear the minister making a comment as to whether or not he will accept that reasonable time for me is going to be at least for one month, from the time when the brief of material is sent to the time when the estimates are going to start.

[5:45]

Hon. Mr. MacBeth: I would only be expressing a personal idea. I would think that one week to 10 days is quite ample if you have a day-to-day knowledge of the work of the ministry by the very fact you are in this House and you know when the estimates are coming up. You knew all summer that we were first on the list. I know that someone from your office was in touch with our office asking for certain information which we tried to supply them.

I think if the actual books were in your hands 10 days in advance, that should be ample. However, I am only expressing a personal opinion because these matters, as I understand it, are set out by the rules of the House. If you want those rules changed, then I suppose they can easily be changed for all ministries by consultation with the three government whips. They can put their heads together and, if they decide that 10 days or a week is unreasonable, they can try to lengthen it. From my point of view, I didn't get at them much before a week in advance myself. Maybe that shows in the way I am handling the estimates. In any event, I would think that for the actual study of these pages, which you can read over pretty quickly, 10 days should be ample.

Mr. Lupusella: With all due respect, as far as I know on the order paper there aren't provisions stating the time when each minister is supposed to send the brief of material. I think we can arrange this time in a very co-operative way. One month for me is a reasonable time to receive the brief of material from the start of the estimates.

As far as we knew about the estimates of the Solicitor General on October 17, we

didn't know what was going on beyond that date.

It was in some ways a surprise for us. I think the Solicitor General concurs with me that 10 days is not a reasonable time to send the brief of material.

Mr. Cureatz: I noted previously, about a half hour ago, you commented on the regional municipality police force taking over the responsibilities in the regional municipality from the Ontario Provincial Police, and possibly this will be a little late in asking.

There are a number of constituents in my riding who are quite concerned about Mosport Park Limited. It's a large race-track. When they have large events, quite often the OPP have to bring in from across southern Ontario an extra amount of police force to man the road congestion that takes place, plus the problems that result in the park from the large influx of people.

I am wondering if your department has ever had occasion to consider whether that particular park should bear the expense that is incurred from this large influx of police population. Could you express an opinion as to whether the regional municipality of Durham police force should be thinking of sending a bill to this particular park with regard to the extra expense that will be taking place once they take over that jurisdiction?

Hon. Mr. MacBeth: The hon. member for Durham East will recall that we had a discussion in the House, I guess in July of this year, in regard to Mosport and the problem that was created there when it was alleged—it was probably correct—that one of our officers suggested they were afraid to go in there. My reply was that the OPP should not be afraid to go and visit any location in the province.

When I said that I was thinking of an area—that they should not as a general rule say, "I am afraid to go into a certain township, or a certain village, or a certain location." I am not suggesting that they should rush, foolhardy, into every situation across the province. Those words were misinterpreted at that time. In any event, generally speaking, the OPP should have no area of this province in which they are intimidated in any way from entering.

Since that time the OPP have had discussions with the management of Mosport and I think have worked out a better understanding with them as to when they can be summoned and when they can't be summoned. Certainly the OPP, in view of that incident, are doing closer patrol work

on the perimeter and at Mosport when a big event takes place. Mosport is policed by these private security guards, and I suggested at that time that their internal security force was not fast enough to call upon the OPP if they saw some kind of problem developing. I think the experience showed that the people at Mosport, the internal police, were kind of winking their eye at a great many things that were going on that they shouldn't have been winking their eye at in the way of vandalism and that type of thing and that they should have been calling on the OPP sooner than they were.

That problem, as I say, I think has been worked out and I understand that at the more recent meetings they have not had that kind of trouble, that there has been more active OPP in view and that their own internal people have been working closer with us.

You ask, if and when the region of Durham takes this over, should they bill them? My answer is "no." If they are taking over the responsibility that the OPP had, I think they should give it the same kind of attention that the OPP is giving, and that should be done without specific charge. However, if they want them to do internal policing, that is a different matter. If the management at Mosport wants the Durham police to do some internal policing, then I see no reason why they can't enter into an agreement with them and do that. But I think the kind of policing the OPP has been doing and is currently doing there is a responsibility of the entire community rather than simply the management involved.

Mr. Williams: If I might just come back for a moment to the matter of the air patrol program, I realize the questions I posed earlier perhaps would be more appropriately put in estimates but I wonder if I could speak of the program or ask questions of the program in a more general way?

I'm not personally aware as to how long that aspect of the enforcement program has been in place, and I am just wondering when it did come on stream, what the experience has been as to the success of that program and whether it has been expanded substantially since its inception or it is pretty well maintaining a status quo as far as strength of personnel and equipment is concerned?

Secondly, I believe we also have some limited involvement in the provision of force and equipment with regard to the policing of some of the waterways within our province. I know that this does create some problem in that there is jurisdictional difficulty

between what are federally controlled waters and in what areas the province has jurisdiction. I believe that, because of some problems that arose several years ago, the Ontario Provincial Police did establish a force that was particularly trained in the use of watercraft for conducting law enforcement programs on some of our waterways, and I was wondering what the status of that program was at this point in time.

Hon. Mr. MacBeth: To take the first question first, again we'll take that as notice and get specific information. I'm guessing; I think they've been in the program about 10 years. I think it's a successful program—that's my understanding of it—and yet I don't think we've given any expansion to it in the last year or two. That's all subject to looking at it more specifically when we reach that vote. As I say, we'll take this as notice that you've asked those questions.

Waterways are a continuing problem for us. I mention particularly the St. Clair River, Detroit River and Lake St. Clair, where you have in some cases municipalities that are charged, such as Sarnia is, with policing right out to the middle of the river. You have the Sarnia police trying to deal with and enforce what are essentially Canada Shipping Act regulations when it comes to discharge of pollutants of one sort or another or even the speed of the vessels there.

It is one matter I want to take up with the federal Solicitor General to see if we can't establish what I would consider a more rational division of when the RCMP look after waterways and when we look after it. Generally speaking, our position is that we are charged with the administration of law of all sorts; yet, as you know, we have a federal force very actively operating here that is now not just limiting itself to certain federal Acts such as the Income and Excise Act, but is also looking at other Acts that customarily the provincial and municipal police have been enforcing.

Waterways are places where the federal police used to take a more active part. They seemed to be happy to get out of waterways and hand it back to us, whereas in some instances they are moving into other fields where I think we would like to have them a little less active. I want to speak with the federal Solicitor General to see whether or not we can't establish a more reasonable rationale for dealing with waterways.

In the meantime, the OPP does have a force which is equipped with very small craft, that is, they're too small really to deal

with some of our larger waterways, but they are trying to keep control on certain of the rivers down that I mentioned before. For instance, they're helping the Sarnia police in certain parts of the St. Clair River and further down they're working on the Detroit River and the rivers that run into Lake St. Clair.

They're doing some work on the Thames River in enforcing speed limits. I'm not sure just how many craft they have. They're doing a lot of patrol work throughout the holiday resort countries where the RCMP used to do some of it. Up in the Kenora area they also do a great deal of patrolling in the Lake of the Woods. That is one place where the federal force could be acting more practically than our forces. In the meantime, we're trying to cover those places that the RCMP is not covering.

Mr. Samis: Mr. Chairman, how much time is remaining?

Mr. Deputy Chairman: Today or in the total debate?

Mr. Samis: No, today.

Mr. Deputy Chairman: Today, about two minutes.

Mr. Samis: I'd like to ask the minister if he can clarify this in the context of what he was just speaking about. We have that particular problem in our part of the province, except it's complicated. We have two added jurisdictions, the province of Quebec and the state of New York, plus we have a new dimension added: that is, the Indians on the St. Regis reserve have claimed jurisdiction

over the entire waterway from Valleyfield, Quebec, to Gananoque.

I'd like to ask the minister if he can inform me what orders or what direction he has given to the OPP vis-à-vis that particular problem that has cropped up. I intended to bring it up in the question period today, but I'll probably bring it up tomorrow with your colleague, the Minister of Natural Resources. Can you tell us what instructions your force is under down in that area regarding the people from the Indian reserve who come on to waters marked by the Ministry of Natural Resources as Ontario waters? They are telling these people, "You either pay a \$5 hunting fees per day or \$50 per season, or else we will remove you from this area forcibly." They have an armed constabulary of approximately 50 people to back up the resolutions passed by the band council.

It does make a fairly difficult situation if you have hundreds who are obviously armed and these part-time constables who are armed. Nobody seems to know what the hell's happening in terms of jurisdiction. The feds completely washed their hands of it. Nobody really should be expected to have to challenge it in court and pay for it himself. I've talked to some of your local officials, and they said they just hope the problem goes away, in effect. I was wondering if you might be able to shed a little bit of light on this very murky situation in our area.

I might suggest that I'd be willing to give the minister two hours to research it and answer it adequately.

The House recessed at 6 p.m.

CONTENTS

Monday, October 24, 1977

Committee sittings, point of inquiry, Mr. Deans	1049
Layoff of nickel workers, statement by Mr. Davis	1050
Premier's visit to Japan, questions of Mr. Davis: Mr. S. Smith, Mr. Cassidy, Mr. Peterson, Mr. Germa	1052
Layoff of nickel workers, questions of Mr. Davis: Mr. S. Smith, Mr. Lewis	1054
OHC land sales, questions of Mr. Rhodes: Mr. Sweeney, Mr. Breaugh	1057
Loss of doctors, questions of Mr. Timbrell: Mr. Johnson, Mr. Reid	1059
Edwardsburgh land assembly, questions of Mr. Bennett: Mr. Sterling, Mr. Samis	1060
Jailing of women, question of Mr. Norton: Mr. Stong	1061
Ottawa Board of Control, questions of Mr. McKeough: Mr. Cassidy	1061
Nurses' dispute, questions of Mr. Timbrell: Mr. Lane	1061
Skyway tolls, question of Mr. McKeough: Mr. Bradley	1062
Property taxation, questions of Mr. McKeough: Mr. Swart	1062
CAS budgets, question of Mr. Norton: Mr. G. Taylor	1062
Wintario funds, question of Mr. Welch: Mr. Kerrio	1063
TTC funding, questions of Mr. Snow: Mr. Warner, Mr. S. Smith	1063
Ministry of Consumer and Commercial Relations Amendment Act, Mr. Davison, first reading	1064
Estimates, Ministry of the Solicitor General, continued, Mr. MacBeth	1064
Recess	1089

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bradley, J. (St. Catharines L)
 Breagh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Cassidy, M. (Ottawa Centre NDP)
 Cunningham, E. (Wentworth North L)
 Cureatz, S. (Durham East PC)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Davison, M. (Hamilton Centre NDP)
 Deans, I. (Wentworth NDP)
 Eaton, R. G. (Middlesex PC)
 Edighoffer, H.; Chairman (Perth L)
 Germa, M. C. (Sudbury NDP)
 Havrot, E. (Timiskaming PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Lane, J. (Algoma-Manitoulin PC)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 Lupusella, A. (Dovercourt NDP)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 Makarchuk, M. (Brantford NDP)
 McGuigan, J. (Kent-Elgin L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 Peterson, D. (London Centre L)
 Reid, T. P. (Rainy River L)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Ruston R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Sterling, N. W. (Carleton-Grenville PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Stong, A. (York Centre L)
 Swart, M. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, G. (Simcoe Centre PC)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Williams, J. (Orillia PC)
 Worton, H. (Wellington South L)



Legislature of Ontario Debates

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First Session, 31st Parliament

Monday, October 24, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

MONDAY, OCTOBER 24, 1977

The House resumed at 8:02 p.m.

ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL (continued)

On vote 1601:

Mr. Chairman: When the House rose at 6 p.m. the member for Cornwall had asked a question of the Solicitor General. Does the minister have a reply?

Hon. Mr. MacBeth: Thank you very much, Mr. Chairman. I have some information. If the hon. member finds it not sufficient we can, perhaps, get further information for him if he will let us know. We can get it for him either on or off the record, whichever way he wishes it.

A fair number of Indians have been appointed by the St. Regis Band Council as game wardens, not special constables of the OPP. It is the first year they are enforcing a band bylaw. They are issuing a licence, \$5 per day, \$50 per season, to cover hunting in the waters, marshes and islands in the St. Lawrence River, from Gananoque east into the province of Quebec.

The Indians have a claim which is currently in the federal courts for all the waters east of Gananoque into Quebec. Most of the problems have been referred to Natural Resources. Hunters must buy two licences. There have been no threats of violence so far. There is nothing that the OPP believe they can do until they receive some complaint of a breach of the Criminal Code.

I don't have the answers of what they might do if they got that complaint, but I suppose until some actual circumstances are brought to their attention they are hesitant to deal with it in a theoretical way. However, it rises out of the Indian land claims that have not yet been resolved. Whether the Minister of Natural Resources (Mr. F. S. Miller) will have more information for you tomorrow or not, I don't know. I agree, there is confusion over the matter.

Mr. Samis: Can I just follow that up, Mr. Chairman? First of all, my understanding is, having talked to the federal ministry, that the matter is not in the federal courts. In fact

no claim has been filed, which further complicates the matter.

I realize the whole question of the claims is essentially federal, for adjudication, and I realize the rights of fishermen and hunters comes more under the Ministry of Natural Resources. But there is a problem because a part of the river is clearly outlined in maps issued by this province as belonging to this province and hunters and fishermen use and purchase their fishing and hunting licences on that basis.

Can you give us any idea if any instructions have been given to the OPP regarding any claims made by the Indians on what are marked by provincial maps as Ontario waters? I might inform the minister that the province of Quebec have given very specific directions to the Sureté de Quebec to protect the rights of their waters which the Indians are challenging and claiming?

Hon. Mr. MacBeth: Mr. Chairman, I know of no specific direction that we have given the OPP in regard to Indian land claims. I know there is a great deal of confusion in various parts of the province arising out of the claims they've made, including access roads, and now this one on the hunting rights as well. I suppose this is one of the difficulties the police find themselves in. Their position is to maintain the law and sometimes the law is confused. Until the courts clarify some of these points, the police have to do their best with enforcing it the way they see it, but perhaps that's not good enough under the circumstances.

This is a new problem to me and we will find out just what instructions, if any, have been given to the police, and take under advisement, if none have been given, what we should give them.

Mr. Samis: Could I just clarify it for the sake of my own constituents, Mr. Chairman? Would the procedure be that you would act upon the directives or the suggestions of the Minister of Natural Resources in this regard, if he were to make a request of your ministry that you were to ask the OPP to enforce the laws of Ontario to protect the rights of Ontario residents, would you act upon such a recommendation?

Hon. Mr. MacBeth: I don't know just where that recommendation would come from. I think we would want to take the Ministry of Attorney General into account as to advice concerning the Indian land claims rather than the Ministry of Natural Resources. I don't know, frankly, of any subject that is quite so confusing as the matter of Indian land claims. Depending where you seek your advice, you seem to get different answers. But certainly when it comes to a matter of law, our final answer would be the opinion of the Attorney General's ministry. We might consult with Natural Resources, but our final opinion would come from the Attorney General (Mr. McMurtry).

Mr. Samis: Can I ask one final question, Mr. Chairman? Would the minister be willing to check into the matter as to exactly what orders have been issued this year to the Long Sault detachment of the OPP, regarding regulations and enforcement of those regulations on the St. Lawrence River from the Quebec border up to Gananoque?

Hon. Mr. MacBeth: Mr. Chairman, I understand that no specific instructions have been given, but I will be ready to confirm that or otherwise by next Friday.

Mr. Chairman: I would just like to inform the committee that we are down to less than 14 hours for the complete discussion of these estimates. I wonder if the committee would be agreeable if we went back to item by item discussion. Would the committee be agreeable?

All right, we are on item 1 of this vote.

Mr. Breagh: Yes, Mr. Chairman. I would like to address some remarks to something that deals with policy in terms of policing. It also deals with legislation, which comes under this main office vote. Specifically, I wrote to the Solicitor General—I believe it was August—detailing some difficulties we were having with a strike situation that we find rather unique.

We are a heavily organized area of the province and we have had considerable experience in strike situations from the trade union point of view, from the public's point of view, from the municipality's point of view; and a little more specifically, and I want to deal with this in some depth, from the police point of view.

We have encountered some difficulties that we are not familiar with, quite frankly. It points out some areas where there is a need for legislation, some areas where there is a need, I think, for some further training of police officers in Ontario, and some clearly

defined policy set down by local police commissions.

The instigation—I suppose you can use that word—of this particular series of thoughts in my own mind came from a strike that is at a small plant in Ajax called Sandra Instant Coffee. It's a strike situation that has been under way since the latter part of June, all during the course of the summer months and continuing until this morning. There has continued to be some great difficulty in the role played by the Durham regional police. We have discussed this with the chief and with the police commission and with several people involved directly in the strike situation.

It comes down to that irony that you can form a legal bargaining unit; you can run off and try to get yourself a first contract, which is sometimes a very elusive thing; you can have a legal picket line in front of a plant. The problem is, of course, what role does the police force play in that situation? The police are bound by other legislation to provide the company with access to the plant. It points out some rather serious things.

For example, I want to quote to you a headline from the Oshawa Times, not noted to be a newspaper that's particularly in favour of organized labour at all. This one comes from Tuesday, October 4. The headline is, "Police Corps Thwarts Pickets." Clearly one of our initial problems is that the police force in the Durham region, attempting to enforce existing legislation, is seen in the public eye to be taking sides.

I talked at some length with the chief and with several of his officers, and that is not their intention at all. Their intention is to maintain order on the picket line; but, of course, there is a basic conflict for anyone in a strike situation. Setting aside the merits of anybody's case in that particular labour dispute, I would like to try to focus on the role of the police force in that strike situation.

First of all, the picket line itself: Its legal definition is rather dicey. You can have a legal picket line, the purpose of which is to perform some kind of economic sanction against a company in the midst of a labour dispute, but, oddly enough, the police are bound by law to break the picket line. They are bound by law to provide access to the company at virtually all reasonable hours and under most circumstances.

Frankly though, it comes down to a rather ridiculous situation in modern-day society where the police chief, or whoever is in charge of the police operation, takes a look at the picket line, and if he has sufficient manpower to provide access to the company he then proceeds to do just that. On the other

hand, if he takes a look at that picket line and it is his judgement that he cannot provide access, he doesn't.

So you get the kind of irony, in Ontario in 1977, when we think we're all very civilized and all that, where a police chief is looking at a picket line, which in this case was somewhere between 30 and 59 employees, mostly young and mostly female, and he is also looking at his police force, and he is saying, "Sure I can cross that picket line." He is, therefore, bound to provide access for the company—in this case to escort a bus taking people, who are in the colloquial deemed to be scabs and strikebreakers, across a legal picket line and thus ruining the value of the picket line itself.

On the other hand, I can't recall in recent memory any time when, for example in the case of the United Automobile Workers at Oshawa with a membership of 22,000, most of whom are not female and most of whom tend to be rather on the young and healthy side, the police even attempted to provide access to General Motors in that kind of a strike situation. It's simply a matter of somebody looking at a picket line and deciding, "Can my police officers provide access to the company by going through that picket line?" If they aren't very large in numbers and if they aren't very strong-looking people, he says "yes"; if he is looking at 22,000 auto workers parading up and down Park Road, he says "no". That strikes me as a particularly ridiculous situation to put anyone into, let alone a police officer or worse yet a police chief in this day and age.

I want to point out some other things that have happened, rather strangely connected to this labour dispute, all of which centre on the actions of the Durham regional police force. I want to make it very clear I am not criticizing, particularly, the work of those individuals; nor am I criticizing the very fine chief of police that we have, because I find him a most reasonable person; nor even the work that is done by the regional police commission, most of whom I know and several of whom I have talked with.

I am focusing on the legislation and the training of police officers, which are very much a part of your responsibility. I find that people on the picket line are charged with some misdemeanour, usually mischief or something of that nature. It usually turns out to be that somebody threw an egg at a truck. That's all well and good, but they are charged with mischief and taken to a police station. The justice of the peace in that particular jurisdiction has been releasing them on condition they don't go near the

picket line and that they stay away from the strike-bound plant.

That seems to me to be a pretty tough price for somebody to pay. In fact, they are losing their legal rights to picket because they threw an egg at a truck. That is not an exaggeration, that has happened in about 15 or 20 cases. If your trade union local is small for starters and it dwindles as the strike goes on, which is a normal situation in a first contract, then you are looking at maybe 30 people left to form a picket line, of which 15 of them are facing a court order that says they cannot do so. That seems to me to be inequity.

[8:15]

Again, the police officer is charging somebody clearly with mischief, because he has seen it, for throwing an egg at a truck; which strikes me as being nonsensical in the first instance. The ramifications are not. They are put into a police cruiser, which is a threatening thing in itself; they are taken off to a station and given a release. They don't get out of jail unless they sign a release form which says that they cannot go back to that picket line. Surely that's a pretty substantial price to pay in legal terms for perhaps a rather thoughtless act but not a particularly dangerous one.

I find, too, that there are several complaints that police officers in that situation are identifying people before they're charging them. By that I mean very simply that they're going up to somebody and saying, "You're going to get it today," and subsequently they do get charged. A consequence of all that is that they lose another picket off the line. That's a difficult thing to substantiate, but I have heard enough evidence from people on the picket lines, some of whom are involved in picketing and some of whom are not, to indicate to me at least that there's a good deal of truth in that approach. Without using the old hackneyed term "harassment," I don't think that's a technique that a police officer should be using.

In areas where we've been able to substantiate a particular officer who was having some difficulty with the picketers, I must say that the chief has been good enough to reassign that individual. But it does point out that there are officers on the job in a strike situation who are not discharging their duties in the most neutral way possible, to put it politely—and one might even say there are officers who are taking sides.

I suppose that with a small group of people picketing and, most of the time anyway,

a small group of officers just in general surveillance, it's natural that there will be some human byplay back and forth, that there will be some hard feelings, that there will be some bent egos in the process. But it points out a very difficult part of a police officer's training when he is expected to respond in a strike situation, which is certainly far different from most of the things that an officer would be expected to do.

While I spent some time on that picket line, I found some other things happening. What brought this home to me is that I've always been a great supporter of that particular police force and I'm a great admirer of the chief of that force. So I'm not dealing with somebody that I think is an enemy at all. In fact, I think of all of those men and women who work on that force as my friends, because I happen to know a large number of them. It's not some vague, mysterious police officer that I don't know. These are human beings that I live and work with and do know.

I looked at surveillance techniques—and "surveillance" has always struck me as being kind of a very difficult word for me to accept, for one thing, although it seems relatively harmless. However, it has occurred to me as I watch these police officers doing their jobs, filming the picket line and taking still pictures at random, what do they do with all of that information? Where do all those pictures go? In most instances there are no charges laid—absolutely none—so what is the argument for saying that that the officer ought to be doing that?

I had a little discussion with the chief about this, and he said, "Well, they need to use surveillance techniques"—that's true—"and they need to use all the modern gadgets that are available to police forces these days." I don't really argue with that when they're chasing criminals or what not. But in a labour situation what is the purpose of taking pictures of people on the picket line? No one is suggesting that they're all going to be charged. No one is suggesting that they're doing anything illegal. Why, therefore, do we have police officers doing this kind of work? It strikes me as being particularly inappropriate in that particular thing.

The basic conflict there is the duty of the police officers to provide access to the plant. When that access is going through a line of probably less than 30 people, and a number of them tend to be on the young side and a number of them tend to be female, there's not a very threatening situation for any police officer to face. Most of them think they can get through that line without any real problem.

There has been a reasonable co-operation. It seems to break down on the line itself. There is some problem in that instance, and in others that I know of, with the role that security guards play. I understand the Solicitor General is prepared to bring in some legislation in Ontario which says that a security guard can't carry a shotgun and shoot people. That's all well and good, except I don't see that as being an immediate problem in Ontario. I have yet to see a security guard carrying a shotgun—most of the ones that I've seen aren't big enough to carry one anyway—but I don't think they would know what to do with it. I would hope that there wouldn't be much in Ontario along the lines of what we have seen in the province of Quebec.

I appreciate the effort, and I certainly agree that we don't want armed security guards who are not police officers on the job. But I do say that a number of instances I have seen on that line and in other labour situations point out a need to review substantially what a security guard is.

I see a number of very aggressive young people employed by security firms who are doing some rather strange things. They are participating with the pickets. They are going well beyond guarding the company property and seeing that it is secure. They are going well beyond that into having little discussions with people on the picket line. A little baiting goes on back and forth. A good deal of hard feeling ensues.

We had a rather unique rally in that particular plant some two weeks ago when one of the security guards saw fit to attend the rally. The feeling is rather high among those people who were strikers and supporters that that was an inappropriate thing for that young gentleman to do. He ran down and jumped on to a police cruiser. The officer in charge did not recognize who he was and couldn't figure out what all the commotion was about.

I think it points up that in addition to some kind of legislation dealing with whether or not they can be armed, you might give some thought to somewhat more stringent regulations about what a security officer can or cannot do and in particular what his role is when the company is in a strike situation. Because a security guard is not there to keep the peace; he is there to keep the property secure, which in large measure means that he has no sensible reason ever to go near the picket line, given that a legal picket line at least does not go anywhere near his company's property.

I think if you are going to review the legislation under which these security guards func-

tion, one thing you ought to do is clarify that in a strike situation they really don't have any call to be anywhere near the picket line. They certainly do have an obligation to, and they are hired to, keep the property secure. But I think we have to be rather definitive on exactly what they are to do.

The end result in this situation is that a police force that I support wholeheartedly; that I think has done a fine job, that I am aware has good supervision; that works very hard at having officers well educated and well trained; that, if there is an occasional breakdown or problem with its officers, tends to deal with them expeditiously—that kind of a police force which works very hard at its public image has now got a very bad image. I think in large measure it is not its fault at all; it is the fault of this government and the kind of legislation that they have.

A week ago I introduced some legislation; a private member's bill—founded basically on some legislation that is at work in Quebec and a couple of other jurisdictions, toughened up a little bit—which simply says that a police officer in a strike situation is there to keep the peace. That is his job, nothing more.

In fact he does not have to provide access to the company property, except under conditions that most of us would readily agree to—that management can go in, that non-union personnel can go in, that you can go in for emergency purposes; a number of extremely valid things. But he does not escort, nor does he have any legal obligation to escort scabs and strike breakers across the legal picket line—in fact, I simply put in one clause which indicates that a police officer is there and when that happens he would be empowered under the law to charge them with petty trespass.

I think you are going to have to look at that kind of legislation. Whether you choose to support that particular private member's bill or design one of your own, you are going to have to look at that situation, because as economic conditions get worse in the province of Ontario you are going to find more and more situations like that.

If you open your eyes and look around one of these days, you will see a large number of small companies being organized for the first time, having great difficulty getting a first contract. Long and bitter labour disputes are going to be the order of the day there, because there are severe problems, and police forces, if they are still required to provide access under the laws of the province of Ontario, are going to find themselves right in the middle of a labour dispute where they

don't want to be and frankly where they have no business being.

I think you are going to have to look very seriously at that imbalance. For one thing, at a time when you among others, and the Treasurer (Mr. McKeough) in particular, are preaching a good deal of restraint for municipal and provincial police forces, saying that you can't spend any more money, how sensible is it to have, as they had on this particular morning, "seven cruisers, three paddy wagons and four unmarked cars at the scene"? And the number of police officers, some brought in at time and a half and double time to escort the bus through, was something like 40.

So you have 40 police officers, a large number of cruisers—seven of them—three paddy wagons and four unmarked cars at one particular labour strike where the picket line numbers 30 people. That is ridiculous. It is not only ridiculous, it is awfully expensive. That has happened repeatedly at that particular labour situation.

For somebody who is preaching restraint and for somebody who is very concerned about the cost of municipal police operations and policing in general in the province of Ontario, if you want to save a lot of money, there is a simple piece of legislation which would do a number of things. It would get the police officers out of an extremely awkward situation that they don't even want to be into; secondly, it would save you a good deal of money.

There are a couple of other points I want to bring out in wrapping up this particular discussion. I sense that in this particular situation, under these laws, with police officers doing things they don't want to do, everybody is unhappy. I can tell you for sure those people who are on that legal picket line are very unhappy. They are seeing their own tax money being paid to assist the company. That's precisely the way they see it. That might not be totally true, but that certainly is the public perception of it.

I see a police force operating in a strongly organized trade union community where the bulk of the community belongs to some local; and they don't like it either, the public at large is pretty upset about that. I have talked to the police officers who worked the picket line. Let me tell you they are most unhappy to be put in that situation, because when they leave that line and go back into their own community, they are dealing in large measure with organized labour.

In fact, as a little side note, their police association has used a lot of information a lot of technique and a lot of bargaining pro-

cedures it has picked up from organized locals in the area. They have a good relationship. They are an unhappy group of people just now, enforcing a law they don't believe in, frankly.

If you look at the company, it's unhappy because it would like to see more officers there every day. Of course the company is not paying for it. If you wanted to take a half-measure, you might try billing the company for the police services provided.

The last group that most people probably wouldn't think about, but I did, is that little group of people inside the bus. I wonder if anybody is doing anything for them. Here they are in tough economic times attempting to survive; some of them—curses to Canada Manpower—being sent to that strike situation by Canada Manpower under the ridiculous set of rules and regulations by which that particular organization functions.

They are being sent to a strike-bound plant. They are being threatened by their fellow workers, in some instances. They are being escorted by the police force. They are being crammed into a little bus, which currently is varying their hours. Sometimes they go to work at 6 o'clock in the morning; sometimes they go to work at 10 o'clock. Sometimes they come out at 3 o'clock; sometimes they come out at 5 o'clock. They always come out under a situation of considerable emotional stress and strain. They are not exactly being paid large amounts of money, but oddly enough, in that situation people breaking the strike are being paid more than the local was asking for in its set of negotiations.

It strikes me you have a situation where absolutely no one is satisfied with the status quo; not the officers, not the picketers, not the strikers, not the community, not even the people working inside—and I am told, though I don't really have this on first-hand knowledge, not even the company is happy with the given situation.

Wouldn't it be better if we said, "Yes, you have a right to organize"? We do that in Ontario. We make it very difficult for people to organize into a bargaining unit, but we at least acknowledge they have a legal right to do that. We also acknowledge that in most situations they have a legal right to strike.

Wouldn't it also be a sensible thing to do to say that that picket line has a legal definition, which ensures the police officers functioning in carrying out their duty will not be seen to be taking sides? Set aside whether they actually are or not but they won't be seen to be, because that is the concern in that particular community. Wouldn't it give

to all concerned a sense of fairness that they are operating under a clearly set out set of rules and that everyone understands the circumstances? I think they do now, but they can function without animosity back and forth.

Let me put it as bluntly as I can. You have taken a police force that had immense respect in its community and tossed them into a situation that is intolerable for all concerned. It is going to be a long time before people in that area, in that community, have regained the kind of respect they had for their own police force some months ago.

Maybe I am a little more concerned than some other people might be. But in my community, where there is a strong trade union influence throughout the community in everything we do, the right to organize is a clearly recognized right. It galls us no end that our tax money and our laws in the province of Ontario are doing things which threaten the livelihood of those people, who had a legal right to organize into a bargaining unit in the first instance. It galls us even more when our own police officers, who are our friends and who have worked long and hard for us, are doing things they don't want to do because the law requires they do it.

[8:30]

I suggest, Mr. Minister, whether you choose to adapt, rearrange—whatever, the private bill that I put before this House that its high time that you look very closely at that kind of legislation for the province of Ontario. It is my guess that you are going to see more and more of that same situation. We have seen it before in Ontario and it has not been healthy for anybody involved.

I suggest that we need substantial changes in that legislation and that we need substantial changes in the training of police officers who are expected to function in a strike situation. I sense there is a great deal of urgency about it. There certainly is in that one Ajax situation, and I would put the case to you that in tough economic times, you're going to see more and more of that across Ontario. It's going to be a matter that deserves your utmost priority.

Hon. Mr. MacBeth: Mr. Chairman, the hon. member for Oshawa has opened up a wide field for discussion and I'm sure we could all get into it and carry it on for some length of time. Let me, however, read in part from my letter to the hon. member, dated August 30, 1977, in reply to his letter raising some of the questions he has discussed tonight.

I'm quoting: "The role of the police in strike situations is a very difficult one indeed.

Police attend at the scene of a strike only if there are reasonable grounds to believe there will be breaches of the law. Police in such situations are there to protect property as well as the rights of citizens, including demonstrators, management and customers.

"One of the most difficult areas police officers find themselves concerned with is the right of those who are not on strike to enter company premises unimpeded. Wherever possible, persons desiring to enter their place of employment are safely permitted to do so. No person can compel another to abstain from doing anything that he has a lawful right to do, or to do anything that he has a lawful right to abstain from doing."

Then just carrying on a little further: "I cannot emphasize too much that the police are under a statutory duty to protect persons and property, prevent breaches of the peace and to ensure that the owner and his invitees are not lawfully denied access to the premises."

As the hon. member knows, the subject he entered into tonight is really a matter of labour law. Police don't make these laws; it is their duty to enforce the law. I too have spoken to Chief John Jenkins in regard to the matter. He may not be happy with having to do this, but he didn't express that to me; he certainly didn't express any difficulty or any lack of understanding what his responsibility was, when he runs into this unhappy situation of a strike.

It would be very easy to take the majority position, and certainly in the strike position the majority of people, certainly those on the scene, would like the picket line protected. That, of course, is the very time when police are in difficulties, when they have to protect the rights of minorities. I think that is a position that my hon. friend is overlooking: that under the present law, minorities have the right to enter that plant and management has the right of access to it.

You speak about the police being bound by law to break the picket line. It's not a case of breaking the picket line. The picket has no right to try and keep people out who have a lawful right to get in there, and whom the management want to have into that plant. So that is all the police are doing. They are not setting out to break a picket line; they're trying to protect the rights—even though they may be minority rights—of the people who want to enter that plant.

As to whether a plant should be closed or not is an entirely different matter. You mentioned General Motors. My understanding of General Motors and plants of that size is that they just don't try to operate. They've learned

long ago that they can expect a few strikes in their lifetime. They are financially geared for them, and as long as the strikes don't last too long it's part of doing business these days. The large plants like General Motors, or Ford or Stelco, they just don't try to operate during a strike situation.

It's the little plant that tries to operate. It's a financial war, as you know. There's no question about it. A strike situation is economic warfare. You say: "Honour that picket line and don't let anybody through it. Don't charge the police with the responsibility to let people through it." Whose side are the police on in that case? You're asking them to take the side of the picketers at a time when the picketers have no right to restrain people who have a lawful right to get in there from entering that plant. So you were the one who was asking the police to be partial; that is, to take sides.

When we come to this matter of economic warfare, you're saying to cut the plant off from operating but continue to let those on the picket line take whatever economic means they want, whether it's taking some other job or doing work at other times. You're not ready, as I understand it, to say that the picketers will not take up other employment, but you're ready to say to the business that they must cease operations. I ask you, just how fair is that? However, when I talk that way I know that I'm getting into the field of labour law and that type of question had best be discussed with the Minister of Labour (B. Stephenson) or when your bill comes forward.

As I say, when there is a strike, the majority of people out there are against the company; and when the police are called upon to protect the rights of the company, the owners of the company or those who want to gain access, it is not an easy situation—and no one claims that the lot of the policeman is easy. But until the law is changed, the police are duty-bound to try to support anybody who wants access to that plant lawfully. I think it is unreasonable for you to suggest that in carrying out that duty they are acting partially in some way under the present law.

Mr. Breaugh: I would like to respond briefly to some of the things you have said.

I have here a picture, which will not go into Hansard, but it shows our own police officers escorting a bus through a picket line. I have been there when it has happened. You say they don't break the picket line. I'm telling you that the very purpose of having all those police officers there every morning is to break that picket line. That's precisely what you see them doing. They're providing

an escort service for a company to physically break a legal picket line.

I might add that, when you're dealing with workers who are particularly young and female, the threat of police officers who are particularly large and male can be a very threatening experience. That is exactly what is happening. It would be fine if we could stay inside this House and not deal with the real world. The real world is that some time tomorrow morning there will be some police officers from the Durham regional force leaning on some very young female workers.

It's an unpleasant task for the officer to do, that's true, but take a look at somebody who is on the receiving end of that. It becomes a little more than an unpleasant task. Those officers are well trained; they are physical. Those officers are a threatening sight for someone who weighs 90 pounds. And, unfortunately, they use that particular phenomenon all too well.

You said the companies don't try to operate. I'm here to tell you that there were occasions in Oshawa when members of local 222 were dealing with a company that was trying to operate and where a police force attempted to cross the picket line and escort scabs and strikebreakers through the line. It doesn't happen any more, because the last time I recall that, I think, was a strike in the late 1960s at a factory called Duplate—also a UAW plant—where something like 200 police officers attempted to drive what is known in the trade as a flying wedge through about 800 auto workers. The wedge went in part way, but did not go all the way through that picket line. Since that occasion, I don't remember one other instance when the police attempted to escort anybody through a legal picket line in that community. It just does not happen.

You're saying that perhaps I would put a measure of unfairness against the company. I'm quite prepared to admit my bias about that, but I am making the point specifically, as I did in the bill, that I want police officers—whether you're calling it labour legislation or something else, it is the police officer on the street who has to do his duty—and I am saying I want that police officer, in the eyes of the law and in every respect of the law, strictly neutral so that he does not have to provide access, except under those circumstances where we all agree it is a reasonable thing for him to do.

I think that's a very serious problem and I want to re-emphasize that it is not an academic argument. I know that tomorrow morning the same thing will happen again that happened this morning. I had people

in my office before I left for Queen's Park today, who again gave me a rather substantial tirade against our police officers.

I attempted to point out that it was not the officers' fault, that they were simply enforcing the law as they had to. But it did not sit very well with those people to see police officers providing an escort through a picket line. I think you are going to have to address yourself to it in a way somewhat more substantial than you have up until this particular moment.

Mr. Lawlor: It is pure delusion to think you are impartial. You have to choose one way or the other on the issue.

Hon. Mr. MacBeth: I can only reiterate what I have said. My friend seems to say he wants them strictly neutral. In favour of the picketers is the way I interpret that. They are neutral as far as the enforcement of the law is concerned.

Mr. Lawlor: You want them in favour of the company.

Hon. Mr. MacBeth: If the picketers are permitting, as the law provides they do, access to that plant by those people who want to get in and out of that plant, then there will be no need for the police to be there. But when the picketers start interfering with the rights of people to enter that plant, that is when the police are called and that is when the confrontations take place. Maybe you should speak to some of your union people who are the ones that established that confrontation, who say, "We are going to keep out those who have a legal right to enter there." If you want the law changed, you can bring your bill up.

Mr. Lawlor: That is a regular 19th century, archaic interpretation of property rights.

Hon. Mr. MacBeth: That may or may not be, but the police are there to enforce the laws that exist.

Mr. Lawlor: It is a benighted law.

Hon. Mr. MacBeth: Don't criticize the police for that.

Mr. Breagh: We are criticizing you.

Mr. Lawlor: We are criticizing you.

Hon. Mr. MacBeth: What are you criticizing me for; because of the law that exists in that regard? Is that it?

Mr. Breagh: Yes.

Hon. Mr. MacBeth: All right then, criticize me all you want for the state of the labour law of this province, but don't reflect on the police who are doing their best to remain impartial and enforce the laws that exist. You

can put the blame on my shoulders if you want.

Mr. Lawlor: Oh, come off it now.

Hon. Mr. MacBeth: The hon. member for Lakeshore is sufficiently knowledgeable of the law—

Hon. W. Newman: I doubt it.

Hon. Mr. MacBeth: —to know that for those who have a right to get into that plant that right exists whether the plant is picketed or not.

Mr. Hegarty: I want to ask the minister a few questions. On a number of occasions I have asked the minister in the past about the proposed agreement between the federal government and the province of Ontario on sharing of the police cost. How far has that advanced now for final agreement with the federal government to share the cost? I understand a study was supposed to be continuing for the last three or four years.

The other point I would like to ask the minister about is the matter concerning the amendment to the Municipal Act that will provide some type of control over the matter of questionable entertainment along certain streets; for example Yonge Street, and perhaps in other communities in the province of Ontario. Does he feel that the amendment to the Municipal Act will bring some control over this type of entertainment?

The reason I ask the question is that I think it should be a mandatory law across the province of Ontario. I suggest that perhaps it should come under some sections of the Criminal Code or some provincial legislation without trying to get the municipality involved in cleaning up such a nuisance in any municipality.

I know it wasn't too long ago there was public interest here, particularly related to Yonge Street. The law enforcement officers gradually got off their good intentions and started to crack the whip and clean up the mess along Yonge Street. I am afraid if it comes under a municipal bylaw, that means that they will have to go out and hire a law officer to enforce it. There are not too many municipal bylaws today that are being enforced by local law enforcement officers.

[8:45]

The third point I want to raise with the minister is the matter concerning the removal of judges from the police commission. I am sure that the minister is well aware of the backlog of court cases waiting to be heard today and I think this is one area where you can put a judge back on the bench to do a job that he was appointed to in the first place.

Hon. Mr. MacBeth: In regard to the first question that the hon. member for Erie asked, on sharing costs: I assume that you mean by that the request that Ontario and Quebec have made—and have repeated a number of times—to the federal government to recompense us for the similar duties that the RCMP do in the other provinces.

We are getting nowhere with that request. I made it again to them at a meeting of the Solicitors General and the Attorneys General at the end of June. They listened to it very politely but there was certainly no suggestion that they would react favourably to it. Their reply to it is that they are collecting from the other provinces for the duties that the other provinces might be doing if they were in the same position as Ontario and Quebec.

We disagree with them on that. They are upping their charges, or they propose to increase their charges, to the other provinces for that type of police administration.

Quebec was the most vocal in making this demand at our last meeting in June. I supported Quebec at that time in the position they were taking, but I would not want to indicate to this House that I thought that we were going to recover that amount or any part of it.

I wasn't sure of your second question, unless it had to do with bylaw enforcement officers and the fact that the OPP are hesitant to act as bylaw enforcement officers. Where we have a contract with a municipality to do their municipal policing for them, then they will act as bylaw enforcement officers. If they are just doing general policing of that municipality as they do in wide areas of the province, then they will not undertake to enforce the municipal bylaws, feeling that that municipality can do that for themselves by employing their own officer. I think that would be the least expensive way for that municipality to handle it.

Of course, if the OPP undertook to do it for the municipalities where they are not being paid to police, then it would increase the need for high-priced personnel—and generally bylaw enforcement is not that difficult and does not require the expertise of a police officer.

I'm not sure that was your question, but if it is not, you can enlarge upon it.

Judges on police commissions: the bill that I expect to be introducing shortly for the three-man commissions across the province proposes that the appointment of a judge be optional; in other words, if the judge is happy—and many of them are—to carry on as one of the persons on that commission the Lieutenant Governor in Council may appoint

that judge. On the other hand, if it is a municipality where the judge does not want to assume that responsibility without extra remuneration then the Lieutenant Governor in Council may appoint somebody else in lieu of the judge.

Mr. Deputy Chairman: Without trying to limit the debate, we seem to be doing a lot of questioning and discussion on matters other than vote 1601. It seemed to have been agreed a few minutes ago when the Deputy Speaker was in the chair that we would try to confine our remarks to 1601 until we clear that vote. We haven't been ruling people out of order who may be on other items and that will continue, but I would ask those who can have their remarks attached to a vote later on in these estimates to hold them until we get to that vote, rather than continue raising these matters on vote 1601, if you so desire.

Does the hon. member for Erie have any further questions?

Mr. Haggerty: Yes, Mr. Chairman. The point I wanted to clarify is that I am concerned about this Municipal Act that would provide some control over exotic dancers, perhaps—questionable entertainment in municipalities. I feel that saddling the municipality with the responsibility for policing just adds a further cost which I believe should be borne by the police association or the police department or the regional police department, whatever it may be—regional police commission.

The other matter, dealing with the agreement with the federal and the provincial governments; the reason I raise this matter with the minister is that in the Niagara region, for example, the cost of policing in that municipality is perhaps one of the highest items that there is to raise taxes at a local level. I suggest that I think it's time that we should be changing this. Local taxation shouldn't be provided to pay for the cost of policing federal legislation as it relates to the Criminal Code. That's the point I wanted to make to the minister.

The other matter is: the regional municipality of Niagara in 1978 will continue policing all municipalities. I believe there will be a loss of some 40 OPP officers in the community and to replace them I think some reporter has suggested that it would take 60 local police officers. The question is, where are those 40 OPP's going? Are we establishing another kingdom here some-place along the line, that we're going to have more civil servants along the line, an overlapping of men throughout the province of Ontario? Where are these men going to be located?

Hon. Mr. MacBeth: Mr. Chairman, the hon. member raises three or four new points. I'm not an expert on exotic dancers, but I have seen a few from time to time—

Mr. Lawlor: Have you ever seen yourself dance?

Hon. Mr. MacBeth: Yes, I'm dancing right now, I don't think very exotically.

Mr. Samis: Not aesthetically pleasing either.

Hon. Mr. MacBeth: But I do believe that they are—

Mr. Eakins: Honest John MacBeth.

Hon. Mr. MacBeth:—probably not breaking any laws at the present time, as they are interpreted, if they stick to dancing. If they get into other fields, then I think the ones that my friend is concerned about may be breaches of the Criminal Code. If they are breaches of the Criminal Code, then of course it is more than we want the bylaw enforcement officers to be looking after. That is a matter for the police.

So if it's strictly a job of—

Mr. Haggerty: Surveillance.

Hon. Mr. MacBeth:—supervising these so-called body rub places, then I think that is a matter for the—

Mr. Eakins: No, it's harassment.

Hon. Mr. MacBeth:—local bylaw enforcement officers. I doubt if there are very many communities that don't have their own police forces or who pay the province to do their policing for them, that would have that kind of bylaw permitting these body rub shops—or outlawing them, either one—without a licence. But if there are, I'm unaware of them—and that's a poor way of putting it. All I am saying is that if it gets into the kind of offence that I think you're concerned with, then it is a police matter and the OPP are concerned with any breaches of the Criminal Code.

Getting onto federal legislation, and having the RCMP pay for it completely, that's certainly a concept of law that we haven't bought over the years under our provincial rights under the BNA Act. The administration of justice has been the responsibility of the provinces. I know we don't want to pass that responsibility on to the federal authorities. The enforcement of the Criminal Code has always been regarded as a provincial matter.

As I was speaking this afternoon, I said I think there are some fields where I would like to see the RCMP retreat a little and somewhere I would like to see them ad-

vance. Theoretically, I think the enforcement of all laws, whether federal, provincial or municipal, are a matter of the province's jurisdiction. But traditionally, the RCMP have taken over the administration of certain laws, for example, the Narcotics Act; and they have taken over in the excise and the income tax fields. They are concerned very much with certain kinds of white-collar crime and are taking a more active part there.

As I mentioned this afternoon, they seem to be vacating some of the fields that they used to occupy, such as those under the Navigable Waters Protection Act and the Canada Shipping Act. There is a great deal of confusion about it, but I am not about to suggest that the province should abdicate or hand over to the federal government its long-accepted duty of administering justice, including that of the Criminal Code, even though it is a federal statute.

You asked about some 40 people who, you gave me to believe, would be leaving the OPP in the Niagara Regional Police takeover. I am not sure of that figure. I don't know whether you got it from me or from the ministry. But presuming it is right, I imagine some of them will be retiring and some of them may be going to the regional force. But many of the complement will be moving into other detachments across the province which are short or understaffed at the present time, and some of the complement will be used for detachments in northern Ontario where we are short. If you want a specific breakdown of where those people are going, I have seen it and I can get a copy of it to you; that is, officer's name and what is happening to him. But even though the officer may be retiring, the complement will be used elsewhere in the force.

Mr. Davidson: Mr. Chairman, perhaps I should ask you for a ruling. You were mentioning earlier about staying on the vote. Would I be in order to proceed a little further with what the member for Oshawa had to say? Was he in order on his speech?

Mr. Lawlor: Never ask that question.

Mr. Deputy Chairman: I would point out to the hon. member that we have used up seven hours of our time. If you wish to pursue the matter, I will allow you to. If you could hold the item until we get to the proper vote and item in the estimates, it would be preferable.

Mr. Davidson: I will be very brief, Mr. Chairman.

I think perhaps the minister has missed the point that the member for Oshawa was

trying to make. I don't think that he or the minister is in disagreement with the existing law relating to the right of access. What I think he was trying to ask the minister was, do the police forces in this province have the right to act as an escort committee for people who are trying to gain entrance to a plant?

I can give you specific examples, because I worked in the labour movement for 10½ years prior to being elected to this House. I can cite occasions where people who were trying to gain access to the plant met a mile outside of town, and the company phoned the local police department, which lined cars up both in front and in back of the people who were going in and drove with them through that one mile to get into the plant. I think this is what the member for Oshawa was trying to say.

Mr. Samis: Tell them where it was.

Mr. Davidson: Yes, if you'd like to know where it was, it was in Alexandria. It was the Square C Textiles plant, and the dispute was between that company and the Textile Workers' Union of America. I was in charge of the strike up there at that time and we bitterly disputed with the chief of police what they were doing—not that we wouldn't have allowed them through had they come in on their own, because there was no dispute and no picket line friction there. In fact, what had happened was that the company, not wanting that friction to develop, had asked the police if they would mind setting up this kind of an escort system. What I think the member for Oshawa would like to know, and what I would like to know, is, are the taxpayers of the province of Ontario paying money to the police commissions and the police boards of this province for that kind of an escort service? And if so, why are they?

[9:00]

Hon. Mr. MacBeth: I would return to my previous answer: Police attend at the scene of a strike only if there are reasonable grounds to believe there will be breaches of the law. I assume that they would not have organized such a band to cross a picket line if they hadn't experienced some refusal of access or learned that there was some scheme afoot to refuse access. I don't think they should do that until they have some reasonable ground to suspect that access will be refused. I don't know whether in your case they had reasonable ground to expect that.

Mr. Davidson: What you are saying, in effect then, I suspect is that they can act on speculation only and not on fact?

Hon. Mr. MacBeth: I said reasonable ground.

Mr. Kerrio: I just have one question I would pose to the Solicitor General; it concerns the long-term plan for the OPP office at Niagara Falls, which is just about the end of the jurisdiction for the OPP in Ontario. I had heard some discussion about closing that facility. I am wondering about the facility, which seems to be quite a commitment as far as fiscal plant is concerned. I wondered if the Solicitor General could bring us up to date on the future of the officers that are working out of that area and of the plant itself.

Hon. Mr. MacBeth: That again is a rather specific question. I don't have the answer here with me now. This is a problem in dealing with things a general way. When we come to the OPP vote, there will be officers here who should be able to give me that information. I have made a note of it now and hope to reply to it at that time. There are, as you know, a good number of provincial highways in the Niagara region where it will be necessary to continue patrols, and whether they plan to do that out of the Niagara office or some other office I am not sure.

Mr. Lupusella: I followed with great interest the comment which was carried out by my colleagues in relation to strike-breakers. I don't want to prolong the discussion. One thing which I would like to bring to the attention of the Solicitor General is that a comprehensive and reasonable bill can be introduced in the Legislature, given the fact that our Solicitor General is also a former Minister of Labour as well.

A point which I want to raise is something which I am completely concerned about. I didn't touch on this particular problem in my opening statement because I wanted to deal with this particular topic completely away from my opening statement. There was no reference to the native police in my opening statement because I wanted to deal with the topic alone, because different issues are involved and because this is a major topic in itself.

In his opening statement, the Solicitor General did not address himself to the police problems affecting native people. The only comment which he made was a very simplistic one. I am surprised that the Solicitor General in a situation as important as the renewal of the federal-provincial policing agreement, which will expire in five months, on March 31, 1978, made only one comment. I quote from page 14 of his official opening statement: "The Indian policing services of

the Ontario Provincial Police continue to expand and to be improved."

The first question I would like to ask is how can the expansion of those programs be accomplished while in the fiscal year 1977-78 the budgets for native police services is to be reduced by \$155,000. If I am wrong in the figure, I invite the Solicitor General to correct me. That is a 20 per cent cut from 1976-77. As the minister must know, and I am sure he does, at the moment we have about 70 native constables. At the end of this year, the target of the Solicitor General's office is 100; but there will be, in fact, only about 80. The existing agreement provides for benefits to bring constables to the equivalent of that given to the OPP officers; for example, benefits relating to the Ontario Health Insurance Plan, vacation credits and attendance credits. However, it makes no provision for a pension plan or overtime pay. I hope that the minister will insist that a new agreement will include such provisions.

I question the fact that under existing policy the OPP sets aside approximately 6.5 per cent of the salary budget for overtime pay, but at this time they are instead given time off in exchange for overtime work. That's the present rule. I don't think you want to continue to follow this routine or that the band constables want it. It is a serious problem.

Rather than cutting the budget by 20 per cent, it's time that the Solicitor General set aside a certain amount of money for overtime pay, or else he should negotiate with the federal government to include such provisos, and make provision for a pension plan when the present agreement is renewed. I'm really shocked at the fact that this agreement is going to expire on March 31, and the Solicitor General didn't address himself to this particular problem, because it is really important for the native people and for the agreement itself.

I'm also requesting that a summary of the native people's policing situation be released by the Solicitor General, in order that each member of the House may have an overall view of the needs of the native people in this regard. I don't see the reason why we should have secrecy about the overall situation. I don't see the reason why the Solicitor General shouldn't speak about it. It's a particular problem which is affecting the constables who are supposed to look after native people, especially in northern Ontario.

I'm wondering, also, at what stage are the discussions the Solicitor General has undertaken to renew this agreement, and whether or not the minister will try to have included the revisions suggested by the Indian chiefs

who are affected by Treaty No. 3. With all respect, I need an answer and I hope the Solicitor General will pay attention to my statement.

This particular problem is also related to what I said in my opening statement. The Solicitor General should take a more active role on releasing that information and those policies which have taken place in his office, in order that we can follow his undertakings. I never heard about his Treaty No. 3. I had an opportunity to talk with some chiefs representing native people, and that's how I became aware of the situation.

As I stated previously, it is a very important step which the Solicitor General is going to undertake pretty soon—in five months, at the end of March 1978. I really don't see the reason the Solicitor General didn't make any particular comment in his official opening statement on October 17 when we started the estimates. I would say, as other members have expressed in the past, that the hiring of band constables initiated by the province of Ontario has been very acceptable because of the close relationship between the constables and the native people. I am sure they will continue to gain the trust and the respect of the native community.

The principle has been already established, but there is room for improvement in morale among the band constables and the OPP. I fear that if the Solicitor General will not consider the band constables' request for the same salary scale, fringe benefits and authority as the regular OPP, then the native police may feel that they are being treated as second-class citizens. In the final analysis, this feeling will reflect on their level of performance, which in turn will affect their communities.

Contrary to the Solicitor General's official presentation, and I quote, "They carry out all law enforcement duties on their reserves," in fact, band constables are prevented from exercising certain of the powers of regular OPP officers. I would like to have an explanation from the Solicitor General why, when those constables are receiving the same training as the OPP, they don't have the same right to enforce the law. I would like to have a clear explanation of why they do not exercise their power just by becoming constables.

For example, the OPP wish to exercise all enforcement under the Highway Traffic Act on reserve property. The band constables, however, are more attuned to the concerns of their communities about enforcing safety standards and speed limits on their reserves. It has come to my attention that in particular cases the OPP has issued statements to band

constables that they should cease to enforce the Highway Traffic Act and that the OPP regular officers should take over this work.

I really don't see the difference. If they represent their people and if there is a highway passing through their property, I don't see the reason why constables representing native people should not enforce the law on their property. The statement which was made by the OPP is unjustified and, as I stated before, I think that the constables should have the same right in relation to enforcement of the law as the regular OPP officers because they are receiving the same training.

On asking some chiefs the reason for this, they expressed to me their opinion that the OPP has taken this position because they are afraid that the band constables would be more effective and thus demonstrate the OPP's previous ineffectiveness. If that's the case, there is something seriously wrong with the OPP's attitude about efficiency and effectiveness of the band constables' ability to perform their duty. If it's true that the band constables are receiving the same training as the regular OPP officers, then I have to question the effectiveness of the training courses. Again, I emphasize I would like to have a clear explanation from the Solicitor General why there is this difference between the band constables and the OPP officers.

A final problem is that the native police see the regular police as acting only for non-Indian people, while all of the band constables work for the native community. This feeling is reinforced by actions of certain OPP officers.

[9:15]

For example, it was said to me that last summer the Nestor Falls OPP, with a local non-Indian, visited the chief's house at Sabaskong at 7 o'clock in the morning to ask about an alleged theft of a non-Indian's property. This intrusion was followed by necessary visits to other homes in Sabaskong and Big Grassy reserves. On the other hand, the band of constables was given strict instructions that no band member was to ride in the OPP vehicle used by the constable, not even a band councillor or the chief when attending a meeting with the constable. This sort of double standard served solely to perpetrate the feeling of the native people that there is one rule for the whites and another for Indians.

The reasons for this attitude should be investigated immediately by the Solicitor General and the remedies should be found to reform existing practices. I urge the

Solicitor General before this problem grows to ensure that the native organizations meet with him, the Attorney General and the Ministry of Justice officials in order to work out these and other issues and immediately begin to revise the federal-provincial agreement.

Hon. Mr. MacBeth: Again, we're departing a long way from this general vote. We're into policing and band constables. I think I have most of the information my hon. friend was asking for.

We have recently completed an evaluation of the effectiveness of the band constable program, the evaluation being done in co-operation with the federal authorities. It has been regarded as highly successful. Certainly the OPP, myself as Solicitor General, and the ministry as a whole regard the program as very successful. I know how successful it is because the various chiefs write to me from time to time. When I've been doing a little touring of the north and have gone on to some of the reserves, the chief has spoken to me and has asked for increased constables. In other words, they want more of these band constables. We have had a few disappointments but for the most part it has been successful. If it continues in this way, the kind of responsibility that we will be asking them to shoulder will be increased as the program matures.

In so far as payment is concerned, at the present time the federal government is paying 60 per cent of that program and the provincial government is paying 40 per cent. The federal government hopes to work towards less payment on its part and more payment on our part. We are presently in the process of negotiating with them. Their proposal is that next year they will pay 52 per cent and that we will pay 48 per cent. They're asking for a considerably larger proportion of payment from us in the next year. The agreement hasn't been reached yet and we're dealing with the current year's budget rather than next year's budget. When next year's budget comes along, I'm sure you will see a greater amount in it for the native policing program. As I say, we're presently negotiating with them and they want us to assume more of this responsibility.

The native constables will shortly be receiving overtime pay. That will be retroactive to April 1, and they have been notified of that. Next year we expect that they will be receiving, in addition, pensions, life insurance and some salary increases. As the program progresses, they are coming more in line with what we are doing for the regular OPP constable.

There is, however, this matter of a salary difference. As most of you realize, the native constables are not subject to income tax. Income tax takes a sizable proportion of the pay of our regular constables. You're all concerned with goodwill in the force and equality. It just doesn't seem to be just, although we talk about equal pay for equal work, but I think we've also got to look at the possibility of equal deductions for equal work. When we look at the amount that is being taken off the ordinary OPP salary and look at the fact that the natives are not having that same kind of reduction for income tax, then we have a real problem on our hands. If you are looking at fairness and net return, as so many of you do, when you look at the net take home pay, the net take home pay of the band constable is not all that bad when you compare it with the OPP. That is a continuing problem, one that we have under the review and I don't know what the equitable answer for it may be.

Mr. Lupusella: I am glad that some of the loopholes are going to be covered, but I made the specific request that before renewal of the agreement, which will expire at the end of March, 1978, there is an assurance that the minister will get in touch with all the chiefs around the province of Ontario, representing the native communities—not just once; two or three times—until he has heard the problems, the comments and the concerns which are affecting the native communities. At least they then will have an impact on relations with the Solicitor General and on the representatives of the federal government, who are going to engage themselves on the new contract after March 31, 1978.

I thought some of those announcements were going to be made when the estimates started, that's why it was quite critical when I made my first comments about all the activities concerning the Solicitor General in the province of Ontario. I would like to know what is going on and what kind of approaches are coming up—approaches which fall under his jurisdiction—instead of waiting. I am sure the Solicitor General was going to comment on that particular item, on the budget which will be introduced next year, 1978-79, and talk about the agreement between Treaty No. 3 and the federal government.

That's the kind of line which we would like to see—that the Solicitor General informs us about the steps which he is taking to solve certain problems, certain loopholes, presently existing around the province, especially when certain problems are affecting the native community. I am sure we, as members, are really

concerned about the problems affecting the native community.

We should give them an opportunity for a hearing. I am sure they are unhappy about the agreement for Treaty No. 3. I am sure that there are loopholes like the one which I just emphasized. Maybe some of those problems are going to be corrected and they will be advised when the new agreement is going to be signed between the province of Ontario and the federal government.

Again, if we represent certain groups in the province of Ontario like the native people, I think that the Solicitor General, together with the Attorney General and the Department of Justice, should get together with all the chiefs representing the native community around the province of Ontario just to find out what the problems are, what their concerns are. They should be given such an opportunity. We should call them, not just once. I want to emphasize that before criticism arises when the Solicitor General signs the agreement with the federal government in relation to the clauses combined in Treaty No. 3.

I am suggesting to the Solicitor General in a friendly way that he initiates this kind of action immediately. We don't have to wait until March 31 to hear what the problems affecting the native communities are. I think that we should start now; we should call several meetings in order that we meet the problems affecting them and in order that the Solicitor General can revise the present agreement, because surely there are loopholes involves, loopholes we don't want to see in that agreement, so that we can really represent and solve and improve the situation between the constables and the native community, and also the good relationship between the province of Ontario and the federal government.

Hon. Mr. MacBeth: To hear my hon. friend from Dovercourt talk about solving the problems you would think that the scheme was an unsuccessful scheme. I want to emphasize that the scheme is a very successful scheme and we are getting great support from the band chiefs across the province. He speaks as though there was no representative of the chiefs. Actually, the chiefs' association is represented on the tripartite committee. We do hear from them and we work in close co-operation with them.

He is suggesting, I think, that we have rather formal meetings across the province with them. I would like to do that. Time is always an element in the other demands made upon our time. The Justice policy field does have a committee that meets regularly with them. They have attended and spoken to our

Justice policy field people. We are spending considerable time on this matter of band constable policing and listening to them and working with them.

I wouldn't like the opinion to be, or the thought left, that we are not listening to the chiefs. I will take the advice of the hon. member for Dovercourt that we should be doing more of this. Perhaps it is possible that I myself can enter at some time into a powwow with the chiefs and listen to some of their suggestions for improvement.

Mr. Lupusella: Just a short comment, and again I ask your indulgence to justify me; I am really concerned about this particular issue because I received a lot of phone calls from chiefs around the province of Ontario in relation to this issue, affecting particularly the constables and the Treaty No. 3, agreement which eventually will be signed between this province and the federal government.

Actually, I didn't suggest that the Solicitor General should be going around the province of Ontario. It would be a good approach, but before taking positions and decisions I think that the Solicitor General, in co-operation with the Attorney General and the Ministry of Justice, should invite, several times, the chiefs that represent the native people to Toronto in order that they may discuss clause by clause what is going to be involved in the new agreement; so that at least they have an opportunity to review the position which is going to be taken by the province of Ontario in order that they may have time to go back to their community and can announce to their community what the agreement will be and what kinds of changes have been taken.

Item 1 agreed to.

On item 2, financial services:

Mr. Stong: On this particular item I just wanted to draw the attention of the Solicitor General to the preamble to this vote. Speaking in terms of overlapping and perhaps duplication of services, I know in the preamble to the book that we were supplied with—I think it is more colloquially called the opposition book—financial services deals with about four or five items as set out. When we read them, financial services are, “designed to assist agency and program management in strategic planning, decision-making, budgeting and cost analysis, the allocation and efficient use of resources and maintaining internal controls.”

[9:30]

If you look back at the preamble to vote 1601, item 1, main office, you will note that

the points set out there are covered in almost exactly the same way. For instance, item 1, the main office support, is to, "assist the development of policy initiatives and alternatives and then necessary legislative requirements to implement the policy." I don't understand, but it seems to me that strategic planning would be about the same thing as that.

Then under item 2 you have "decision making"; while under item 1, we have the "development and maintenance of the planning process, management information systems for monitoring performance, and evaluation processes for measuring performance against objectives."

Then in item 2 we have another job description—a description of this particular service—"the allocation and efficient use of resources." I don't find too much difference between that and the job description under item 1 for the main office support. It says that part of its function is the "application of modern management and organization development techniques to produce the optimum organization structure for translating policy into program and most effectively meeting objectives."

It seems to me that the job descriptions in both these items are almost exactly the same, and yet we have two areas that we're voting on, both very substantial areas in the estimates—the main office requiring an estimate of \$650,000; financial services an estimate of \$786,400. Yet to me, from the job descriptions at any rate, it would seem that there is a duplication of services, if not an overlapping. I wonder if the minister could explain that in terms of personnel, in terms of assisting one another, and in terms of cost of services performed.

As well, I'm interested in the financial services area, this is item 2. I notice we're speaking here of an estimate of \$651,300 for salaries and wages. I wonder if the minister can tell me, in this particular area, how many people are employed and what their job descriptions are.

I also noticed in the 1977 public accounts committee report that the employment benefits listed here and paid out last year were \$241,000, and yet we're budgeting in these estimates for \$85,100. I'm just wondering what the discrepancy is there. Why is there such a small amount?

As I read the public accounts committee report, the estimates from last year were \$735,000. Management Board had to approve almost another \$300,000, making a total of \$1,033,000. I wonder why the financial services were so underestimated in the

last session and whether the estimate for this session is realistic.

I notice as well that \$88,000 has been taken from the services, reducing the estimate to \$40,000 because temporary help and photocopy rental services were transferred. I wonder if you could give me some idea of what the need for temporary help is in this particular area? How many people are on temporary help? Are they on a contractual basis or are they regular employees of the ministry? What is the actual cost of the photocopy rental services that are referred to here, as a beginning?

Hon. Mr. MacBeth: A lot of questions have been asked in regard to vote 1601, item 2. First of all, there is the question of overlapping. Under vote 1601, item 1, it is the general ministry secretariat. An example of that is Mr. Gow, whom you see directly opposite me here; he comes under the secretariat and his salary is shown there. But when we go on to item 2, financial services, the people who are under his direction are picked up at that point.

Under main office you will find a duplication of all the things that are carried on individually. In other words, the salaries of the persons responsible to me for those branches are shown under vote 1601, item 1. Then the people who actually carry things out are shown in the items that follow—item 2, item 3 and so on. That is why you are going to find a great deal of overlapping in the wording.

As far as the various items in vote 1601, item 2, are concerned, I can give you the salaries. You asked for the number of people involved. There was a complement of 49 in 1976-77, and this year there is a complement of 44. I can give you the names of the people involved if you wish, but I don't think that they concern you. If you do wish them, we have their names. There is a reduction of five, and the five positions have been transferred to supply and office services; you will see them picked up later on.

Dealing with them individually, under regular salaries—and that includes the 44 permanent personnel—you will find that the estimate last year, 1976-77, was 509,000; this year it is \$648,300. You have the actual figures for last year, I think, and you will find them in the figures you have in front of you.

It is sometimes a little bit difficult when comparing estimates with actuals, but you will have the figures there.

We come to overtime: Last year we estimated \$2,000 for that; this year we estimate \$3,000.

Thus total salaries and wages were estimated last year at \$511,000 and this year at \$651,300, which is an increase of some \$140,000 as far as estimates are concerned.

I made a general statement when consideration of these estimates began that we had made a mistake last year which not only affected vote 1601 but carried all across the ministry. That accounts for some of the increase—and you will find that difference picked up in all of the salaries—but also the salary increases from last year now are in the basic figure for the estimates for this year.

Any increases that may be given in 1977-78, of course, will be in addition to this figure. They are not shown in the estimates but once those increases have been given, that base figure will increase. So although you have five personnel less, you have an increase here of \$140,000, but that deals with the basic mistake that we made, plus the salary increases of last year.

The benefits are calculated at the rate of 13.2 per cent of salaries, and, since salaries are based on actual requirements, benefits are shown as actual requirements. In other words, when you carry them forward to this year, we take in the salary increases from last year. So much for salaries.

There are employee benefits that I just mentioned. They are up \$17,000. You wanted to know the amount for Xerox. In last year's estimates it was \$28,000 and that has been transferred to office supplies for this coming year.

For computer and electronic data processing, last year we had a figure in there of \$22,000. Experience has shown that that figure should be \$40,000. We are up \$18,000 in our estimates there. We have taken all the temporary help out this year and transferred them to personnel services. You will find them under personnel services. As far as comparing last year with this year, we show a reduction of \$70,000. Office machine contracts have also been transferred to office supply. That has a reduction of \$8,000. When you take all of the additions and reductions in, you will find that the 1977-78 estimates are \$786,400 as opposed to our estimates last year of \$735,000. Most of that is caused by the increased salaries, the increases that were awarded to everybody last year and the mistake that you will find carried all the way through our estimates.

I am sure you are not able to follow that from me telling it to you in this way, and it is not too satisfactory. I don't know how we can do it. Earlier in the afternoon you asked another question in regard to the first

vote. I understand that Mr. Edwards gave you an answer for that. All I can say is that we have all these figures here. It's hard for me to get them from the desk and present them to you in a satisfactory way because there are transfers. There is not the consistency of the estimates this year against last year, because of the additions of some accounts and the omission of others. I think if you have specific questions like that it might be better to let me have them to be sure that you get the answers; as I understand, Mr. Edwards gave you the answer earlier this afternoon.

Mr. Stong: Just briefly; Mr. Edwards indicated to me that he would supply me with figures for item 1 and I appreciate that. I would appreciate receiving those.

Is it my understanding, then, under item 1, and generally speaking comparing item 1 to item 2, those who were drawing a wage or a salary under item 1 probably fall into a managerial capacity, but those under item 2 are perhaps in an employee-employer relationship? In other words, they are the types of individual who are probably one rung lower than the ones in item 1.

Hon. Mr. MacBeth: That is correct.

Mr. Stong: Just so I understand, as I am having difficulty correlating these figures from what you did say, perhaps in a general sense as I read the public accounts reports of March 31, 1977, it would indicate that the estimates were \$235,000 for that year, which is consistent with what you have in your opposition material here; but there was a Management Board approval of \$300,000, did that represent increase in salary alone?

Hon. Mr. MacBeth: Salaries and benefits.

Mr. Stong: Does that represent an increase in staff over that time or is that an increase in the amounts paid?

Hon. Mr. MacBeth: My information is that it is caused by the salary revisions. In other words, it is the increase, that is across the board for the past year, plus the error that is carried all the way through. I am embarrassed by having to repeat this error so often. The percentage of that error was a little over three per cent across the board.

[9:45]

Mr. Stong: In your employees' benefits you indicated that there was an increase of \$17,100 in your estimate over last year. But it seems to me that, unless I read it incorrectly—how did the public accounts committee get the figure of \$241,487 that shows in the report, because it does not show in the material that you supplied to us in preparing

for these estimates? I can't correlate those two figures.

Hon. Mr. MacBeth: I understand that was the one per cent escalation that was put through for the entire ministry; it was charged in that place. The 1976-77 employees' benefit account totals \$241,487, since the entire ministry's share of the employers' portion of the pension escalation fund was charged to this activity. These payments were required retroactive to January 1, 1976.

Mr. Stong: That basically represents a retroactive amount, because I notice that the estimates for 1976-77 were \$86,000; the actual was \$241,000 and that represents a retroactive amount, plus an increase of one per cent?

Hon. Mr. MacBeth: Yes, but that is, as I understand it, for the whole ministry charged to that account.

Mr. Stong: Okay, that kind of clears that up for me. I wasn't sure how you related these things. It's pretty hard. I must admit I did have this material in ample time and I thank you for that. Unlike my NDP counterpart I did get this material on October 7. I thought I understood it, but when I get in here it's plain to see we don't understand it.

Hon. Mr. MacBeth: I've gone over this twice and still I'm not so sure that I understand it. It is very confusing and I admire the fact that my friend's got it in such good order as he has. I have had these explanations once or twice and then you ask me the question in just a little different wording than they've put the answer to me and I'm at a bit of a loss too.

But I repeat, it is very confusing to try to explain the accounts as you have them with the estimates and the actual figures, when you have to take into account the various adjustments that are made from time to time during the year.

Mr. Samis: You only knew this from the outside, too.

Mr. Lupusella: Just a short comment—

Mr. Stong: If I may just finish; the only problem is that the minister's job is different to mine. I'm trying to demonstrate how he can cut down on some of his staff and some of the ministries, but it's making the job pretty difficult. I wonder if you would give me a description of what's included in services in the amount of \$40,000? That's the last question I have on this item.

Hon. Mr. MacBeth: Last year under services we had a good number of items. Last year we had Xerox rentals; we had computer electronic data processing; we had temporary

help; and we had the office machine contracts. The only item that is left in there is the electronic data processing, which is the figure of \$40,000. Last year we had amounts totalling \$128,000 in that account; I don't say they have been removed from our budget, they have been placed elsewhere. So the only other item you have left in there is the sum of \$40,000, dealing with electronic processing.

Mr. Stong: Did that electronic processing serve more than just your ministry? Does it also include Correctional Services, as well as Attorney General? Does the same machinery and apparatus serve all the ministries; and if so, how do you allocate the exact amount of money that it costs each ministry?

Hon. Mr. MacBeth: Mr. Chairman, it covers our financial system and our payroll system. It does our accounting for us; actually it is operated by Government Services, as well as Attorney General. It is, as I say, operated by Government Services. It is a charge that they make to us. I trust it is fairly apportioned throughout the various ministries and I assume it is done on the basis of time and the amount of input that we give it; but it is at the discretion of Government Services. It is an arbitrary figure. If we felt it was too high, I'm sure we'd have the right to object to it; but I assume that we feel that it's a fair charge.

Mr. Stong: I would be satisfied, Mr. Chairman, if the minister would supply me with figures to back these up, as you indicated earlier.

Hon. Mr. MacBeth: I would be glad to do that, Mr. Chairman.

Mr. Lupusella: Mr. Chairman, mine was not a comment, it was an interjection. Given the fact the Liberal critic is agreeing with me that no reasonable time was given on sending us the briefing material, I hope the Solicitor General finally is going to agree that one month is going to be a reasonable time to send us the briefing material.

Item 2 agreed to.

Items 3 and 4 agreed to.

On item 5, analysis, research and planning:

Mr. Lawlor: A couple of things. I don't know how extensive this is. The notes that you have in the Solicitor General's annual report, 1976, are identical to that you supplied my friends with. When you read them, it talks about input and output and who got what, when, where—that kind of thing. What I'm interested in, in this kind of research, is do you ever make any studies, in this area, for instance as to the division of police responsibility? I think it's an awfully interesting

thing to know to what extent actual criminal investigations and police work in the specifically criminal field occupy in the overall police time. This is apart from bylaws, apart from quasi-criminal, the provincial offences; just the Criminal Code offences. I'd like to see that compared, for instance, to surveillance of traffic conditions, to the wide range of domestic and public service that the police do in any community, quite apart from the—I would like, some day, and I suppose the sooner the better because we all die, to see an allocation made there.

Have you ever made such a study and would you be amenable?

Hon. Mr. MacBeth: Mr. Chairman, I'm sure various municipal forces do just that. The OPP have estimates of that nature. I'm not so sure they have it as detailed as my hon. friend might like to see it, but when we come to their vote you'll see how they've got on traffic and how much they have for other types of policing; that is traffic as opposed to regular daily policing.

I'm not so sure they have a breakdown when a policeman goes to a call whether it's on a criminal matter or, as you say, a household matter. To get that kind of information back from the police would require a great deal more bookkeeping than we like to put the constables to. Certainly they make reports that call X was in regard to a domestic matter, that call C was a break and enter, or whatever else is done. But the OPP do have a productivity study; it's being implemented and it will be dealing with some of the detail you are asking for.

That, however, is not the main work of the vote that we're presently studying. We are looking at it from the point of the police statistics you were talking about earlier and your dissatisfaction with them. They keep track of how we are living up to our budget; how much we are spending of that budget and the value that we're getting for it. We have what they call management by results and they keep an eye on that sort of thing.

They also have spent some time in this past year dealing with metric conversion. We don't have a great many people in that department. There was a complement of four last year and a continuing proposed complement of four. It is an internal analysis that they do. They do keep track of the money we're spending on various programs and how we might get more value through it and plan accordingly.

Mr. Lawlor: I take it, then, you are saying that vote 1604, research and planning, would be directly in point as to what I'm after here, as to all areas of study and research that the police do as to upgrading techniques, and

studying other police forces around the world in order to maximize their productivity?

Hon. Mr. MacBeth: You are correct. Vote 1604, under the OPP budget, would be the place where it would be done. The Ontario Police Commission may have some information for us on it as well.

Mr. Ziemba: I'd like to ask the Solicitor General why it is that police take pictures, both still and film, of picket lines; and what they do with them once they do take them. I'd like to take the Solicitor General back four years when he was the Minister of Labour and Toronto saw one of the most bitter and violent picket lines. The Artistic Woodwork picket line saw over 100 picketers charged. I think about half of them were convicted for various minor offences. Almost all of them appealed their convictions.

The government did nothing for four years, they just let the matter sit. Now, when witnesses' memories are hazy and many witnesses have moved away, the government has started to move in and these appeals are being heard. I suggest to the Solicitor General that the time for justice has long passed. These picketers aren't seeing justice done because of the long delay in their appeal. I'd like the answer to the first question. On this picket line, a number of the picketers had their pictures on films that were on file, and their fingerprints on file. What was the purpose of that?

Second, would you consider a meeting with the Attorney General and allow the appeals to go through uncontested in view of the fact that four years have gone by?

Mr. Chairman: It was just drawn to my attention that that type of question should be asked and answered under vote 1604. Would the minister hold that answer in abeyance until vote 1604?

Hon. Mr. MacBeth: Yes.

Mr. Stong: With respect to vote 1601, item 5, I wonder if you could give me some idea of whether, in fact, the actual police officer who has experience out on the beat is involved in this research and planning, particularly the planning aspect? How many of the actual police officers, who have undergone training as constables and subsequently followed through ranks and got promotions, are involved in the planning as referred to in vote 1601, item 5?

Hon. Mr. MacBeth: My information is that in that complement of four there are no ex-police officers. These people are civilians. They consult and talk to the police, but they are not themselves police officers.

[10:00]

Mr. Stong: Could you give me any idea of their number of years of experience in this type of planning? How do they make use of police experience in assisting the forces?

Hon. Mr. MacBeth: As to their association with the ministry, I understand the director himself has only been with us six years. That doesn't show a great deal of police background or experience, but in this function they are performing it's more of a statistical background that they are required to have rather than a police background. The information they get that requires, say, police background, can be assimilated by them very quickly; so it is not a case of having a great deal of background in police work but more in case of having background in the gathering and interpretation of statistics.

Mr. Stong: I don't want to take anything away from the ministry, but I have always been of the opinion that if you want to know where problems lie, you speak to the people who are suffering those problems. Likewise, if you want to assist yourself in arriving at solutions to a problem, you go to the person who is suffering that problem as well. Those people usually are able to give you assistance with ascertaining and defining a problem and then offering a solution.

I am wondering whether it would not be advisable for the ministry actually to have a person who has been trained on the beat in that area of planning rather than to draw solely on civilians, particularly in planning and research when we are talking about apprehension of criminals and crime detection as well as subsequently dealing with crime in the courts and community protection.

Hon. Mr. MacBeth: Again, I say, if you are talking about that kind of planning, you will find under vote 1604 that the OPP actually do the research and planning that is directed specifically to police work. What we are looking at here is not just for the police; it has to do with the gathering by the ministry of, say, fire statistics and coroners' statistics—it covers the whole gamut. I get a report on a quarterly basis from them as to how many dollars have been spent by the ministry under such and such field of operation and how many dollars are left.

I do get some police statistics along the line as to the number of charges and the increase or decrease of certain kinds. It is those kinds of statistics, the kinds of statistics that Ottawa might deal with from Statistics Canada, and planning within the ministry—not police planning as such, but planning from our administration end—that these people deal with.

Again, I think the kind of question you are asking as far as police planning is concerned would come under vote 1604, which is where you will actually get police personnel involved with it.

Mr. Stong: It was probably a result of my misunderstanding of the scope of this particular item, but am I to understand that this is the item wherein we discuss statistics and the compiling of statistics from the crime rate as to whether there's an increase or decrease? Is this where the four people are involved? Is this the division that decides those types of statistics and makes them public?

Hon. Mr. MacBeth: They are on the receiving end of these statistics that come from the police, but I think the question we got into the last time we dealt with estimates a week ago today was the basis of how these statistics are compiled; in other words, the possible duplication of charges and whether they only showed the ones that they were convicted on and that sort of thing. That would be more properly dealt with under one of the vote for the Ontario Police Commission or the OPP vote.

Mr. Lupusella: Under vote 1601, item 4, in relation to transportation and communication, the actual cost in 1975-76 was only \$657. There was a jump to \$15,000 in 1976-77 and a reduction to \$10,000 in 1977-78. Can I have some explanation about this amount, even though there was this kind of reduction of \$5,000—

Mr. Chairman: Can I call the member to order for a moment? I believe we have carried item 4 and we are now into item 5.

Mr. Lupusella: I am sorry, Mr. Chairman. It's just a simple question to the minister.

Mr. Chairman: We gave ample time for general questions on item 1. I think now that we are going to try to stick to the item we are on. We are now on item 5.

Mr. Lupusella: With the permission of the members of this committee, will they allow me? The minister can answer.

Mr. Chairman: Will you make it a very short question, because you are out of order.

Mr. Lupusella: It is just a short question, and I would like to have a short answer as well, as to how this money is spent in relation to transportation and communication. Who is using this money and how is it spent? There seems to be a great difference from 1975-76 from \$657 to \$15,000 and now to \$10,000. Can I have just an explanation for that?

Hon. Mr. MacBeth: Just briefly, we have movement of personnel across the province,

transferring them from one location to the other. We bear certain of those costs and it reflects a reduction in the anticipated cost of those moves.

Item 5 agreed to.

On item 6, legal services:

Mr. Stong: Thank you, Mr. Chairman. Just briefly, I was given to understand during the recess that those legal services included the salaries of two lawyers and a secretary on hire from the Attorney General's ministry. Is that correct?

Hon. Mr. MacBeth: The three people involved are John Ritchie, who is attached to the Attorney General's office; David Spring, another lawyer attached to the Attorney General's office; and one secretary who is also attached to the Attorney General's office.

Mr. Stong: Are these people full-time employees of the Ministry of the Attorney General, or do they divide their time and talents between the two ministries?

Hon. Mr. MacBeth: They are full time with us, sir.

Mr. Stong: I don't think you pay the lawyers enough.

Hon. Mr. MacBeth: They don't think so, either.

Item 6 agreed to.

On item 7, audit services:

Mr. Lupusella: Again I speak in relation to transportation and communication. My attention is drawn to the point that from \$2,865 we are jumping to \$8,000 for 1976-77 and back to \$4,000 for 1977-78. My particular question is how come there is this overspending in 1976-77 and a further reduction in 1977-78? Has the service changed? I would like that kind of information.

You gave previous information that those people need transportation and communication expenses to travel around the province of Ontario. What are they doing around the province? What kind of service are they carrying out? Give me those answers, please.

Hon. Mr. MacBeth: I am trying to get the answer as to why the amounts vary.

We have three people involved in this sub-vote and they not only audit the various accounts any place the OPP may have accounts, but they check up on coroners' accounts and they check the accounts of the various ministry offices across the province. It requires some travelling to do it. The actual figure in 1976-77 was \$2,491, so that on the basis of last year's actual they have reduced the amount this year to \$2,200 on the basis of the experience. You may find that they

will overspend that a little bit. But it is to travel around the province and do the auditing that is required.

Item 7 agreed to.

Vote 1601 agreed to.

On vote 1602, public safety program; item 1, program management:

Mr. Lupusella: On this item I'd like to talk a little bit about the George Drew building. I think that I am on the correct item, am I? The George Drew building—the forensic centre?

Mr. Deputy Chairman: That would be on item 2. Item 1 is program management. Do you want to hold the forensic centre till we get to item 2?

Mr. Lupusella: Okay.

Mr. Deputy Chairman: Any comment on item 1?

Item 1 agreed to.

On item 2, Centre of Forensic Sciences.

Mr. Lupusella: I think that in my opening statement I made particular reference to the coroners' investigations and inquests. I think that is a very important sector of investigations which is valuable to the province of Ontario and in which each branch of each ministry can use the expertise of those coroners' investigations and inquests.

I made a particular reference in my opening statement and, with all respect, I didn't get any answer from the Solicitor General. I made particular reference to those three people who died in police cells. I read just a portion of the verdict of the coroner's jury, so I didn't emphasize my point that mechanical or electrical surveillance was going to be required. This is just to keep the record straight.

Hon. Mr. MacBeth: If I might just interrupt, this is where it gets somewhat difficult. Actually you are talking about coroners—

Mr. Lupusella: Coroners.

Hon. Mr. MacBeth: —and that is a later vote. Under forensic science we are dealing with the scientific analysis of various pieces of evidence that may be used either in Crown cases or defence cases, generally of a criminal nature.

Mr. Lupusella: Okay, maybe I can postpone my comments until the right item comes up.

Mr. Deputy Chairman: If you are on coroners' inquests it will be on item 4 in this vote.

Mr. Lupusella: Thank you.

Mr. Lawlor: Just one question on forensic sciences. It is the policy of Mr. Lucas and

others to permit outside counsel to come in and have analysis of weapons and poisons and any number of things—fingerprints, shoe prints. Can you give us any indication of how much that service was used—not by Crown attorneys, et cetera, but by outside solicitors—this year up to the date of the end of the fiscal year over against the previous fiscal year?

I want to find out if it's extensively used.

Hon. Mr. MacBeth: Yes, I know I had that information and I think if you just wait for a minute I can probably get a note from the side giving me the exact figures, or certainly the percentage of how often it was used.

I have it here. Civil cases. Civil cases are undertaken by the centre when the director has been satisfied that no other agency or laboratory exists in the province which can adequately handle the request. A schedule of fees has been established for these cases, with the fees being paid to the Treasurer of Ontario.

In 1976 the centre undertook the examination of material in 57 civil cases, for a total revenue of \$6,000. But I think you were asking about criminal cases, were you not?

Mr. Lawlor: Yes.

Hon. Mr. MacBeth: Criminal cases in 1976 where they helped with the defence. The number is not large—nine. Civil cases in 1976, 57.

But let me just speak and enlarge upon what I have said. Those services in criminal cases are available and I mentioned this the other day. They are available, as I understand it, free of charge. Of course, Mr. Lucas wants to make certain that there is some reason for the examination because these examinations do take time, but I don't think he's in the habit of denying the defence this kind of service.

[10:15]

I mentioned when I was dealing with it last Monday that the report of the forensic laboratory was made available to the Crown attorney even when it was prepared for the defence. I understand in talking to Mr. Lucas since that time that that report goes to the defence counsel. It is up to the defence counsel to send it over to the Crown on the same basis that the Crown may send reports to defence counsel that Crown counsel has obtained from the forensic laboratory. The member for York Centre indicated the procedure was a little unfair in that automatically the Crown got defence reports

but the defendant did not automatically get Crown requested reports.

My information that I have since received is that the system works the same in both cases, that the report is given to the counsel requesting it and the responsibility for passing it to the opposition is in the hands of the counsel who requested it.

Mr. Lawlor: Just one question. Would the Solicitor General be inclined to agree with me that he is perhaps a little surprised at only nine? Considering the volume of criminal cases going through in just the county of York alone, the defence counsel obviously doesn't revert on many occasions to the forensic sciences people. My impression would be that it is because they probably don't know about it. Is the criminal bar not particularly aware of it? Or do they prefer their own ballistic experts? There are any number of fields. Is it your impression, in short, that the criminal bar generally is thoroughly aware of this service?

Hon. Mr. MacBeth: Let me read a paragraph that has just been handed to me. Defence counsel in criminal cases on occasion submit material for analysis. This work is undertaken upon the understanding that a copy of the findings will be forwarded to the Crown attorney concerned. Any other agency with a legitimate demand upon the services of the centre is treated in like manner with complete impartiality being maintained. Although this service to defence counsel is not advertised, the policy is mentioned in all lectures to lawyers, including an annual lecture to the bar admission course at Osgoode Hall. During the course of the year, defence counsel submitted nine cases.

I was surprised when I got the slip handed to me that had the figure nine on it. I thought it would be more than that. I suspect it is a combination of things. First of all, the availability of this may be mentioned in bar admission courses, but probably not advertised subsequently as much as it should or could be. So probably some defence counsel don't know it is available.

Secondly, I suppose some defence counsel would rather obtain their own advice or their own experts. I am smiling when I say this, but maybe they would like a little partial advice when they put their experts forward. Thirdly, I suppose that defence counsel would not have the same need for this kind of analysis that a prosecuting Crown attorney might have.

I would suggest it is a combination of those three. I would agree that we should

probably do more to advertise that this service is available.

Mr. Lawlor: I have just one final thing because the minister seems to contradict himself. I am now confused. He said that the report, if it was adverted to by a defence counsel or sent to him, was also automatically sent to the Crown. Then another time he said no, it would be up to the defence counsel in his discretion as to whether or not it was sent. Which one is it? The last statement is that it was automatically sent.

Hon. Mr. MacBeth: My information, as late as this evening at the supper hour, was that both reports are given to the counsels concerned, the counsels who request them, on the understanding that they are to be made available to the opposing counsel.

Mr. Stong: On that point first, I indicated last week that I had had occasion to use the forensic centre. I sing very high the praises of that centre because of its impartiality, to which the minister has referred, but I was given the clear understanding that before I could avail myself of those services I had to—it was required of me—provide the Crown with the result. It's true I got the copies to send to the Crown, but I was only able to avail myself of those services on the understanding and the undertaking that I would provide the Crown with the result. It doesn't work the other way.

I liked your solution last week better, Mr. Minister. That is a requirement that the Crown provide the defence with the result of whatever examination it does—and the contrary as well, that the defence provide the Crown with the results.

My understanding when I asked for assistance was that I had to supply the Crown with the result of the examination, otherwise I could not avail myself of those services. That was the clear understanding that I received from the forensic centre. As I indicated, I prefer your approach to it as you indicated last week, that both sides be required to provide the results.

Another thing that I wanted to mention while I was on my feet was a new science, the science of applying dentistry and related knowledge to the detection of crime—better known as odontology. I became interested in this in dealing with the forensic centre on a case some four years ago, prior to my entering the political arena. It involved a situation where I knew that the police were looking for a person—they didn't have a name but it was a person who was charged with the kidnapping and killing of one of the young girls. I don't believe it was the Hanson case;

I just forget now, but it was four years ago anyway.

I happened to be in a courtroom one day and I noticed a picture on a wanted poster. The picture that I saw on the poster was such a clear facsimile of a person that I was representing on an impaired driving charge that it almost shocked me when I first looked at it. Your imagination kind of runs away and everybody likes to play detective naturally, and I allowed my imagination to run away with me and I began to imagine that my client was the one who was being sought by the police for the commission of this kidnapping and subsequent murder. I phoned one of the detectives of the York regional police and I apprised him of the situation and I told him that I had a client who looked exactly like a poster of a man they wanted. I gave him the name and address of my client and I told him what date we would be going back to court.

In the interim the detective sergeant set up a stake outside my client's house and watched him as he got up in the morning and left for work and came back. He was sufficiently convinced that this person was worth investigating that he solicited my support. I didn't know whether I was breaching a client-solicitor relationship, but I did the best I could not to.

Of course, I didn't divulge anything about the charge I was up on except what the charge was and anyone can find that out, but he said he wanted me to help him get evidence that was required. Apparently they had a specimen of a saliva of the suspect. It was my job to try to obtain a saliva specimen for the detective sergeant and one of the ways they could obtain it was off a cigarette butt. I didn't even know whether my client smoked or not. And so the next consideration was whether in fact I could obtain the saliva short of having him spit on the floor in the courtroom.

I trundled off to court with a package of cigarettes in my pocket. I didn't know if he could smoke and I was hoping if I could make him nervous enough he would ask for a cigarette. I suppose it was easy to do knowing that I was the one who was defending him; you could get really nervous. But at any rate, it turned out—

Mr. Cureatz: Did they charge him?

Mr. Stong: But at any rate, it turned out that the client did smoke. This I suppose was the first time I became really associated with the forensic centre, because I learned at that time that they did tests down there on saliva—not on teeth but on saliva. I had an opportunity to speak to the officials at the forensic

centre and at that time they were aware of odontology, which is the study of teeth. Teeth are almost as good as fingerprints, almost better than fingerprints because teeth do not deteriorate under severe and intense heat.

Mr. B. Newman: You can take them out and send them to them.

Mr. Stong: You can take them out, as my colleague says, and send them to them.

As it turned out this client was not the person. They did a test and they subsequently found the suspect in one of the insane institutions north of here.

I was concerned at that time and expression was made of the fact that it would have been better, in the case of apprehension and detection of crime, if facilities were provided and expertise was provided in the institute for the use of teeth and the study of teeth in investigating the crime. I'm wondering, now that this science is becoming more expert and more complete, whether any steps have been made by your ministry to set up that type of division in the forensic centre to use this type of evidence more readily in evidence in court cases.

As I spoke earlier in my opening statement, I know that we have to employ more sophisticated methods of crime detection. This is one of those methods I had intended to refer to and that's why I refer to it on this vote. Can you tell me whether facilities are being established at the forensic centre for the study and later use of odontology?

Hon. Mr. MacBeth: You were talking in part under two votes here. I don't want to get technical about it but I did question the member for Dovercourt getting into coroners' work. I know there's a confusion here.

When you talked about saliva tests, we certainly have under the forensic laboratories the ability to do that. I don't know how many we do, but I presume we do them from time to time.

When you come to odontology we have been using that in the coroner's office. I understand we've been doing it for some eight years. I don't think the coroner has a special branch established to conduct it. The various coroners are familiar with it and are educated in the science. Just this week the coroners from across the province have been meeting at the Westbury Hotel under Dr. Cotnam's guidance. One of the people speaking to them was a dentist from the city of New York speaking on just that subject. It's a matter that both our director of pathology and our coroners are aware of and are putting to very active use and practice.

Mr. Stong: I may be out of order dealing with coroners' inquests. As I understand it, I know on occasion that saliva samples are evidence that police use in investigating crime and later on in the court case. In many cases of victims in rape cases particularly, there may be bites and there may be saliva deposit that can be studied. From this type of evidence, evidence can be obtained that later was used in the courtroom. It's not in terms of the work done by coroners that I refer to in odontology; it's in terms of police work and detection of crime. Apparently, from a bite—from the skin—the experts are able to obtain evidence to identify a later suspect.

Hon. Mr. MacBeth: I did miss the point and you're quite right that this is done in Ontario courts. As I understand it, it is not done through our forensic laboratory but through independent dentists. In other words, there are many who are equipped to give this kind of evidence practising in the private field. Various private dentists are brought in from time to time to give evidence, I gather, not only in criminal cases but in civil, if applicable.

Mr. Lupusella: I will be relatively brief, otherwise we are going to continue sometime on Friday. In item 2 the astronomical amount of money which we are dealing with is more than \$2.5 million. The Solicitor General and a lot of members of this House see the necessity of this centre. My particular concern, and I hope the Solicitor General will agree with me, is that I think it's time the centre or this agency releases a yearly basis the kind of activities which are taking place there.

Will the number of investigations which are carried on, all of those statistical data and the background information, come out as a form of a summary which would be released at the end of the year? This is the only way we can pursue and we are going to engage ourselves to convince the centre under the jurisdiction of the Solicitor General to release this kind of information which I am sure will be valuable to the public and to us as well.

Hon. Mr. MacBeth: A short answer: There's nothing secret about the work that we do under forensic sciences. We're glad to release all of that information. As a matter of fact, we have statistics here which we can give you and would be glad to supply to you. A lot of it is in the annual report, but as far as I know—of course, there's in-progress investigation that may be secret, but the statistics and the amount of work, there's nothing

secret about that at all. Most of it is in the annual report. Anything else you want, we'll be glad to give it to you.

Item 2 agreed to.

On motion by Hon. Mr. MacBeth, the committee of supply reported progress.

On motion by Hon. Mr. MacBeth, the House adjourned at 10:30 p.m.

CONTENTS

Monday, October 24, 1977

Estimates, Ministry of the Solicitor General, Mr. MacBeth, continued	1095
Adjournment	1119

SPEAKERS IN THIS ISSUE

Breaugh, M. (Oshawa NDP)
 Cureatz, S. (Durham East PC)
 Davidson, M. (Cambridge NDP)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H.; Chairman (Perth L)
 Haggerty, R. (Eric L)
 Kerrio, V. (Niagara Falls L)
 Lawlor, P. D., (Lakeshore NDP)
 Lupusella, A. (Dovercourt NDP)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Samis, G. (Cornwall NDP)
 Stong, A. (York Centre L)
 Ziemba, E. (High Park-Swansea NDP)



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First Session, 31st Parliament

Tuesday, October 25, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

TUESDAY, OCTOBER 25, 1977

The House met at 2 p.m.

Prayers.

ORAL QUESTIONS

Mr. S. Smith: Mr. Speaker, in the absence of the Premier (Mr. Davis) and the House leader (Mr. Welch), could I first of all ask whether it is anticipated the Premier will be in the House later this afternoon? Does anybody know? The House leader?

Mr. Nixon: Here comes the member for Parry Sound (Mr. Maeck), if that's any good.

Mr. S. Smith: Well, I will ask a question of the Treasurer (Mr. McKeough). Or rather, the Chairman of Management Board (Mr. Auld).

Mr. Conway: That's where real power resides.

Mr. Speaker: The hon. Leader of the Opposition has the floor.

Mr. S. Smith: I am just stalling as best I can hoping some cabinet ministers will arrive, Mr. Speaker.

Mr. Peterson: Could you phone the Albany Club, Mr. Speaker?

Mr. S. Smith: Perhaps we should hold question period at the Albany Club. That's a good idea.

LAYOFF OF NICKEL WORKERS

Mr. S. Smith: Can the Chairman of Management Board tell this House whether in deliberations with the rest of cabinet there has already been a decision—and if not, would he assure us that there will be a decision—that the standing committee on resources development, which will be looking into the Inco matter, will be mandated not only to hear from Inco officials, but will also seek out the opinions of labour, municipal leaders, metal and mining experts, as well as those who are expert in foreign trade, and that it will look into the Port Colborne layoffs as well?

Hon. Mr. Auld: I'm afraid that I can't answer all those questions for the hon. Leader of the Opposition, Mr. Speaker, because I haven't taken part in any such discussions.

Mr. Peterson: But you're still in the cabinet.

Hon. Mr. Auld: I expect that other members of the cabinet will be along shortly. I am afraid I really don't know where they are at the moment.

An hon. member: Why don't we adjourn until they return?

Mr. Lewis: Is a supplementary permitted?

Mr. Speaker: You can try.

Mr. Lewis: I'm afraid to do anything without your absolute permission.

Mr. Speaker: Please try. Please try it.

Mr. Lewis: Thank you.

Mr. S. Smith: I'll have a supplementary question if you possibly can to an answer like that. Can the minister assure us that in his discussions with cabinet and with the Premier on this matter, he will make the suggestion that this committee begin its work immediately, and that it be asked to make its report before the House rises for the winter break?

Hon. Mr. Auld: Mr. Speaker, I will undertake to pass along that request to the Premier at the first opportunity.

Mr. Lewis: I have a supplementary, since the minister is now gradually engaged on this subject. Could we also ask that he requests the right of the standing resources development committee to travel to Sudbury as well and hear the submissions of the community there on the spot?

Hon. Mr. Auld: Yes, Mr. Speaker, I'll pass that along.

Mr. Lewis: Good. That was easy.

Mr. Speaker: The hon. leader of the official opposition. I know it's difficult.

Mr. Lewis: It's the only disadvantage of being first.

BRUCE NUCLEAR PLANT

Mr. S. Smith: A question for the Minister of Energy, Mr. Speaker.

Since the minister indicated last week to the House that he is well aware of and well informed on my discussions with the chairman of Hydro, is he now prepared to approve of Hydro's supplying the information that I requested at that meeting?

Hon. J. A. Taylor: Mr. Speaker, I am surprised at that question, because Hydro doesn't require my approval. I am sure that the Leader of the Opposition will get the same co-operation from the chairman of the Hydro as he has in the past.

Mr. Peterson: That's the whole problem.

Hon. J. A. Taylor: I am surprised the member doesn't have those particulars.

Mr. S. Smith: For the information of the minister, I asked for progress reports, cost estimates, productivity reports, in short, everything that would explain the massive cost overruns on this project. Can he assure me that he will intervene to make certain that Hydro feels there is no impediment and that Hydro, in fact, gets on with giving me that material that we require to explain the massive cost overruns and how things could have got so out of hand at Bruce?

Hon. J. A. Taylor: I am sure again that if the Leader of the Opposition would ask the chairman of the Hydro board to expedite that response, he will do everything possible to get that.

Mr. S. Smith: We have already done that.

Hon. J. A. Taylor: May I remind the Leader of the Opposition that he has not once contacted me, as Minister of Energy, in connection with this whole issue?

Mr. Nixon: You said you didn't know a thing about it.

Hon. J. A. Taylor: Not once has he contacted me, not once.

Mr. Lewis: May I acknowledge the good judgement of the Leader of the Opposition?

Mr. S. Smith: Thank you. I was just going to thank him for the compliment.

By way of supplementary, can the minister explain, in view of the fact that Hydro still maintains that cost targets for Bruce "B" will be met, and as a consequence has dropped its ultimatum on Bruce "B", how there are continuing low-productivity reports and field cost reports which indicate an additional \$8 million increase in the two months following the ultimatum in April? Can he explain how those cost reports exist and yet at the same time Hydro continues to say that the target has been met and that there are no such overruns? How does he explain that obvious contradiction?

Hon. J. A. Taylor: Mr. Speaker, I don't concur in the allegation.

Mr. Makarchuk: Want to try a supplementary?

Mr. S. Smith: Why doesn't the minister seriously consider resigning—

Interjections.

Mr. S. Smith: He is talking about a \$400 million overrun and he stands in this House day after day and says—

Mr. Speaker: Question?

Mr. S. Smith: —he doesn't know what we're talking about, he doesn't know what the figures are, he doesn't give us the information and he doesn't concur in the allegation. That's not much of a joke.

Hon. J. A. Taylor: Will the Leader of the Opposition repeat that question, please?

Mr. Speaker: There is no question there.

Mr. Kerrio: There is no answer either.

Mr. Lewis: There was a question. He was asked would the minister resign. Or he could go back to ComSoc, which would save that ministry.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: A question of the Minister of Labour, if I may: Is she aware that the regional planners in Sudbury, meeting yesterday, looking at all of the available economic and employment data, have come to the conclusion that 6,000 jobs will be lost in total as a result of the proposed Inco layoff on January 31, 1978, over the immediate future after that? Can she indicate what steps her ministry is taking on the question of job relocation and job alternatives in the Sudbury basin?

Hon. B. Stephenson: Mr. Speaker, the officials of the Ministry of Labour are meeting at this moment, as a matter of fact, with the representatives of the union and with officials of the federal Department of Employment and Immigration to work upon the proposals which were put by my ministry and by the union leaders of the Steelworkers local in Sudbury, in order to attempt to find some solutions to the large number which is being proposed laid off by Inco.

In addition to that, on Friday morning, my colleagues, the Minister of Natural Resources (Mr. F. S. Miller), the Minister of Northern Affairs (Mr. Bernier), the Deputy Minister of Industry and Tourism and I will be going to Ottawa to meet with federal ministers, representatives of the municipality and the planning group in Sudbury, representatives of the union and representatives of the company to work further on some of those features which are developed as a result of today's discussions.

Mr. Germa: Supplementary: Could I ask the minister if her ministry is supportive of

those five points put forward by Local 6500 to resolve this situation?

Hon. B. Stephenson: Yes, we felt that there was a great deal to recommend many of the features inherent in the points which the union had put forward. There are some other features which we have suggested as modifications which we thought would be useful as well, and those are being proposed in addition to the five points which the union has proposed.

Mr. O'Neil: Supplementary: I wonder if we could ask the minister what those other proposals are that her ministry is making?

Hon. B. Stephenson: It would be difficult to outline them in detail right at the moment, because there are a number of facets which I think have to be worked out. First, I think we have to have some agreement on the part of the union specifically that it would be responsive to these kinds of initiatives, and I think perhaps it will be.

There are programs of training and re-training which we think might be useful. There is the proposal that, indeed, early retirement for some of the employed workers in the Sudbury area might solve some of the problems. There are two projects related to Inco at which we believe some of these individuals could be employed as well. There are some other features in addition to that.

Mr. Laughren: Supplementary: Would the Minister of Labour join with the trade unions and the membership in the Sudbury basin in rejecting the federal proposal to have the employees at Inco and Falconbridge, and Inco in particular, work a reduced work week which would, in fact, just spread the poverty around?

Hon. B. Stephenson: Although I am aware of the unions' apparent antagonism to this proposal at the moment I'm not sure that they are cognizant of all the features that might be included in such a program on the basis of the unproclaimed sections of Bill C-27, the federal Unemployment Insurance Act. We were hoping to be able to explore this further with them and with the company and with the federal government to see if we could develop it in a way which might be more acceptable to the unions than it is at the present time.

[2:15]

Mr. Martel: Does the minister agree that it should be the taxpayers of Canada, who subsidize Inco, rather than Inco, who should pay for the havoc it is creating in the Sudbury area?

Mr. Kerrio: They are doing the same for General Motors. You know it.

Mr. Lewis: It is negotiated in General Motors; it is not paid by government.

Mr. Kerrio: Exactly. And all we are doing is negotiating now under prior circumstances. As soon as you couldn't nationalize, you went down the pipe.

Hon. B. Stephenson: Mr. Speaker, I am not really quite sure of the implications of the hon. member's question. Of course the taxpayers of Canada have some concern about this, and I am sure they will be expressing their concern to those of us who are attempting, in co-operation with the company and the union, to solve the problem.

Mr. Laughren: We'll believe that when we see it.

Mr. Cassidy: Supplementary, Mr. Speaker?

Mr. Speaker: This will be the final supplementary on this.

Mr. Cassidy: Is the government taking any steps at all to protect the jobs or to help those people who will be affected by these layoffs, but who are not working for Inco, the 3,000 people who will be affected because of the economic decline in the Sudbury area?

Hon. B. Stephenson: It is very difficult to protect those jobs which might be affected by layoffs.

Mr. Cassidy: Not "might"—will.

Hon. B. Stephenson: What we are trying to do is, in some way and as effectively as possible, to ameliorate the immediate situation, which of course is going to have a beneficial effect on the spinoff which has been conjectured in the House.

Mr. Cassidy: The answer is no, in other words.

BURNING PCBs

Mr. Lewis: A question of the Minister of the Environment: Is there no way to end the ambulatory paranoia with which his ministry is affected in these constant decisions it is making which are secret and not shared with the public? Why wasn't the public told about the permanent burning of those toxic wastes?

Hon. B. Stephenson: That is a misdiagnosis.

Mr. Lewis: It's not a misdiagnosis. It's an accurate diagnosis.

Mr. S. Smith: They are recumbent. That is the misdiagnosis. They are not ambulatory.

Hon. Mr. Kerr: There is nothing paranoiac about it whatsoever. All we are interested in

is accurate, fair and balanced reporting. As for the article to which the hon. member apparently is referring, there is no question of secret burning. This is an experiment.

Mr. Lewis: A two-year experiment.

Hon. Mr. Kerr: Yes. For every experiment of this kind we don't necessarily notify the local council.

Mr. Makarchuk: Why do you deny the question then?

Mr. Lewis: You issued a certificate.

Hon. Mr. Kerr: Yes, a certificate was issued. If the hon. member would let me answer the question—and I realize he is trying to remember some information he got just before he walked in here—

Mr. Lewis: You are paranoid.

Mr. Breauch: And ambulatory too.

Hon. Mr. Kerr: The fact is that at some time during an experimental stage it is necessary to issue a certificate. That is part of any ongoing experiment. During that period there is analysis of the process, and in this particular case there were at least three different experiments with a various number of certificates issued.

As far as the PCB burning experiment was concerned, for example, a certificate was issued in December 1975 for the period until about April 1977. During the period that the company had the certificate that experiment was going on. It involved the Ontario Research Foundation and Environment Canada as well as our ministry. But you have to burn this material in this kiln as part of the experiment, as I say, to make sure that the emissions are acceptable and that there is no evidence of toxic waste contaminating the neighbourhood.

All I am saying is that there is no intention of keeping anything from the public. We issue these certificates to have some control over the burning of this material during the course of the experiment. There was an analysis done in May 1977 by a federal agency regarding this experiment. It was after that, or about that time, that we stopped the shipments of that material to the Mississauga plant.

Mr. Lewis: When the story broke.

Hon. Mr. Kerr: Now, with more monitoring equipment and some modifications to the plant itself, we are considering allowing that burning to continue because, so far as we are concerned, as a result of this experiment it is a safe and acceptable method of getting rid of contaminated waste.

Mr. Lewis: By way of supplementary, on that basis does the minister not think that

when he is issuing a certificate that public hearings should take place? Does he not feel that there is secrecy involved when he has an employee of his ministry saying, as quoted in today's Star: "How far do we have to go? Do we have an obligation to hold a public hearing every time we issue a certificate?" Is not the answer yes to that question?

Hon. Mr. Kerr: The answer is not yes, because this particular experiment involved a utilization of waste oils and certain hydrocarbons for the production of cement. This is not waste disposal in the strict sense of the word. This is utilizing material that can be used to produce cement and at the same time is safe way to get rid of this material.

The ministry issues probably 1,000 certificates in a year but in an experiment of this kind—

Mr. Lewis: This is a controversial thing.

Hon. Mr. Kerr: —until we know what is involved and are able to hold a meeting and explain to the public what is going on and what we found out, then really we can't see the good sense in having a hearing. As I say, it's not required under our legislation.

Mr. O'Neil: Supplementary: I wonder if I could ask the minister, in regard to the reporting on this particular case, whether someone from within his ministry—I have a great deal of respect for the minister and I know it would not have come from him—asked that a confidential report be obtained on the particular reporter who reported this story, checking into his newspaper stories and his background?

Hon. Mr. Kerr: I believe that is correct. I believe there was some type of assessment done on the reporter by the information branch, of which the reporter is aware and received a copy.

Mr. Kennedy: Supplementary: Would the minister confirm whether or not the lead paragraph of this article in today's Globe is in fact accurate where it states: "The cement kiln has been regularly burning highly toxic wastes for about two years without public knowledge but with the ministry's approval?"

Mr. Lewis: That's true.

Mr. Kennedy: It was certainly public knowledge last spring. I was also informed—

Mr. Speaker: Question, please.

Mr. Kennedy: —that burning had ceased in April. Is that accurate?

Hon. Mr. Kerr: Yes, the statement as written in the first paragraph is accurate. We did not notify the public—that's correct—at the

start of this experiment. As I say, it involved three or four different agencies. It was done, first of all, on a very technical and scientific basis and then it moved into the process of issuing the certificate and the company accepting the waste in its cement kiln under the monitoring of our ministry and the other agencies that were involved in the experiment.

Mr. Lewis: Supplementary: It seems to me to follow straight on. I want to ask the minister as a minister, a lawyer and a civil libertarian, was he responsible for a part of, or aware of the decision of members of his ministry to look at the stories written and related background matters involving the reporter who has been persistently reporting on his ministry in order to compile a document meant to discredit him with his employers at the Globe and Mail? Was he aware of all of that?

Hon. Mr. Kerr: I want to make sure that the hon. member is accurate in saying that a report was put together with the intention of discrediting the reporter. No.

Mr. Lewis: Why else? Why would the ministry put a report together?

Mr. Speaker: Just answer the original supplementary, please.

Hon. Mr. Kerr: I was not aware that this was undertaken by the ministry.

Mr. Lewis: Does the minister approve of it?

Hon. Mr. Kerr: But I am certainly aware of the circumstances where, as a result of an interview with the reporter and his editor the reports that were coming out of our ministry were discussed. The idea was that we must have a fair and balanced reporting—

Mr. Lewis: Oh, of course.

Mr. Deans: In whose opinion?

Hon. Mr. Kerr: —of the articles that were reporting about our ministry.

Mr. Deans: Would you like to manage the news?

Mr. Lewis: That is no way to handle it.

Mr. Warner: Nixon wanted fair and balanced news.

Mr. Speaker: Order.

Mr. Lewis: You can rise in the House. You don't have to let anyone create your reports.

Hon. Mr. Kerr: No, all I'm saying is—now that I've found out about it—that I don't think the reporter was prejudiced in any way by this assessment. As I say, it was discussed with him and, apparently, he is satisfied with the assessment.

Interjections.

Mr. S. Smith: Can the minister explain to this House exactly what this so-called report consisted of and who did it? Was it merely a compilation of articles written by this particular reporter or were further questions asked of other citizens regarding this reporter and his background? If so, by whom, what were the questions, and has any other reporter ever undergone a similar investigation or been reported on in this manner?

Hon. Mr. Kerr: It is my understanding that—as the hon. member says—a number of articles written by the particular reporter were assessed by people within the ministry; then, a report or assessment was given as a result of those articles, and this was discussed with the reporter and his editor.

Mr. Breithaupt: A sort of scoop.

Mr. Lewis: That is unbelievable.

Mr. MacDonald: Why didn't the minister rise in the House if he thought they were unbalanced?

Mr. Lewis: Unbelievable.

Mr. Swart: Mr. Speaker, I'd like to ask the minister if he thinks it is a legitimate expenditures of public funds to investigate the background of a reporter?

Mr. Deans: Why don't you investigate it and tell people what they should do?

Hon. Mr. Kerr: I think that the hon. member should keep his questions in perspective. As I've said, the only assessment involved, as far as I am aware, was of a number of articles that were written by the reporter about the ministry over a certain period of time. Only those articles were assessed, with the facts as they were; and a comment was made on that assessment and given to the reporter.

Mr. Lewis: To his bosses.

An hon. member: You tried to get him fired.

Mr. Lewis: The minister didn't raise it in the House. He sent it to his editors.

Mr. Speaker: Order.

Mr. Kerrio: In view of the fact that much of the polychlorinated biphenyls have been taken into New York state for high temperature incineration, has the minister taken advantage of the technology that's been developed there so that such experimentation is not so necessary here in Ontario?

Hon. Mr. Kerr: The experimentation that the hon. member is talking about is just what was carried out at the St. Lawrence Cement plant at Mississauga.

Mr. B. Newman: That is not a cement plant in New York state.

Hon. Mr. Kerr: The American Environmental Protection Agency were also observers in respect to that experiment. So what we did at the St. Lawrence Cement plant in Mississauga gave the type of information that was wanted on both sides of the border and is the type of information that is now being used in respect to the Peerless application in Detroit.

Mr. Kennedy: Supplementary: Have PCBs been burned at this plant through the past summer? Are they being burned now, or accepted now; and, secondly, if the minister is planning to proceed did he state earlier that there would be public meetings?

Hon. Mr. Kerr: It is my understanding that there hasn't been burning of PCBs since about June, I believe it is. There is no burning going on at the present time and I would expect there would be hearings before it resumes.

Mr. Lewis: Supplementary: I want to come back to the related supplementary matter. Isn't it true that the Ministry of the Environment was so mad and embarrassed at the continuing succession of stories on environmental matters that were written that the minister attempted to compile a document which would discredit the authenticity of the story and, therefore, of the journalist? If he does that kind of thing—and there have been other complaints from other ministries to newspapers—does he not think he should rise in the House and share it with the Legislature whenever he undertakes that kind of foolishness, rather than go off to the employers in the fashion he does?

Hon. Mr. Kerr: As a result of a number of articles written by that particular reporter, a number of employees within the ministry were complaining that they were being misquoted, that their answers were being distorted in a way that didn't give a true and accurate impression of what they were saying.

[2:30]

Mr. Lewis: Why doesn't the minister say it in the House? Raise it. That is what this place is for.

Hon. Mr. Kerr: As a result of a number of employees complaining about this, we wanted to see if there was some legitimate reason for feeling this way. Were they in fact being misquoted? Were the reports inaccurate? It was strictly an in-house type of assessment—

Mr. Foulds: Oh, yes, very in-house.

Mr. Lewis: It went to his employers.

Hon. Mr. Kerr:—dealing strictly with those articles and then an assessment was made in respect to that.

Mr. Lewis: It was pressure. It was political pressure.

Interjections.

Hon. Mr. Kerr: It is quite possible that this could have been asked for. There might have been some arrangement, I don't know, between the reporter or the editor in respect to this assessment to see if there was any indication of unfairness. The assessment was carried out, but certainly it wasn't given to anybody else. It wasn't intended to embarrass the reporter or anything like that.

Mr. MacDonald: It wasn't?

Hon. Mr. Kerr: It was to deal with some complaints by people who were being quoted.

Interjections.

Mr. Speaker: The final supplementary on this. The hon. member for Renfrew North.

Mr. Conway: Who specifically directed that this in-house assessment vis-à-vis this reporter be undertaken? Was the minister aware that it proceeded and did he give this in-house assessment his blessing to that extent before it took place?

Hon. Mr. Kerr: Mr. Speaker, I wasn't aware that this type of assessment was taking place.

Mr. Lewis: That's what I meant by ambulatory paranoia.

Hon. Mr. Kerr: I am not sure really who gave the orders or who made the decision. I'm not aware of that—

Mr. Foulds: That's why you don't know what's going on in your ministry.

Hon. Mr. Kerr:—I can certainly find that out. But I wasn't aware of it at the time it was undertaken, and, as a matter of fact, I really only found out about it this week.

Mr. Lewis: I'm not surprised that's true.

Mr. Speaker: With a new question, the hon. member for Quinte.

Mr. Lewis: You shouldn't permit that, George. You just shouldn't permit that kind of stuff. It's garbage.

INVESTIGATION OF REPORTER

Mr. O'Neil: Mr. Speaker, following along that same line of questioning, I wonder if the hon. minister could tell us who spoke with the reporter and the editor, and whether something has been done to reprimand the persons within his ministry who gave that particular order?

Mr. S. Smith: Is that a supplementary?

Mr. O'Neil: No, it's a new question.

Hon. Mr. Kerr: I am not sure who spoke to the reporter and the editor. I'd have to find that out.

Mr. Peterson: Is the minister prepared to give full disclosure of this matter at this time or in the very near future?

Mr. Speaker: Order. Order. That was a new question. With a supplementary, the hon. member for Ottawa Centre.

Mr. Cassidy: Is the minister prepared to guarantee to this House that this form of intimidation of a reporter will not occur in his ministry again, and will he also seek the same assurance from cabinet that it is not done by other ministries against reporters in the future?

Hon. Mr. Kerr: I would have to agree that this is a form of intimidation.

Interjections.

Mr. Lewis: Exactly. Exactly, and it shouldn't be done.

Hon. Mr. Kerr: No, don't misunderstand me. I'm saying that I will have to agree first of all that this is a form of intimidation. I really don't have enough of the facts to know whether there was some type of agreement or arrangement to get this information. In other words, did the paper say, "If you're not satisfied with this man's reporting, why don't you analyse the stories he's been writing over the past year or so?" I don't know if that type of arrangement was made or that type of discussion was entered into. But certainly that is not the type of thing that I would favour in the future and I don't expect that it will be done again.

Mr. Lewis: Then reprimand the people of your ministry. And it is not just your ministry, by the way.

Mr. Speaker: Order.

Mr. Lewis: There are other paranoids over there.

Mr. Speaker: Order.

Interjections.

Mr. Peterson: Very simply, is the minister prepared to investigate this matter and report back to the House as soon as possible with names and dates about this whole incident?

Hon. Mr. Kerr: I am prepared to make a statement on the matter at some future date, yes.

Mr. Lewis: Good. Done. Let it be the last time.

MINAKI LODGE

Mr. Martel: A question of the Minister of Northern Affairs: The government spent \$8 million at Minaki and committed itself to spending another \$10 million. How many jobs was it intended to create, this \$18 million that the government of Ontario was prepared to spend on Minaki Lodge?

Hon. Mr. Bernier: That question should be more appropriately directed to my cabinet colleague, the Minister of Industry and Tourism.

Mr. Martel: I will redirect it, but as it concerned the Minister of Northern Affairs' riding, I assumed he'd know.

Hon. Mr. Bernier: I do know.

Mr. Martel: To the Minister of Industry and Tourism: With the expenditure of \$8 million in Minaki and a commitment for another \$10 million, how many jobs did the government of Ontario intend would be created in Minaki?

Hon. Mr. Bennett: First of all, in regard to Minaki—and we've gone through this subject on a number of occasions—not only was it to try and create employment for the native people in the Minaki area in the range of something of about—

Mr. Martel: Just how many? I want to know how many.

Hon. Mr. Bennett: I will give the explanation, if you don't mind.

Interjections.

Hon. Mr. Bennett: That's correct and I'll come to it. Mr. Speaker, while the opposition might think that because you invest in a particular project, that's the only place there happens to be employment, there's a spinoff effect from that industry as well. I'm saying that directly at Minaki we're looking at—

Mr. Makarchuk: Most of it went to pay a mortgage in the States.

Mr. Speaker: Order, do you want an answer to the question or not?

Hon. Mr. Bennett: I'm not sure they want an answer at all. They just like to hear themselves.

I said very clearly, if the members would listen and stop interjecting, 250 at Minaki with a spinoff of at least 250 in the other resort industries in the immediate area, and most of them native people.

Mr. Martel: In other words, the minister is spending roughly \$90,000 or \$45,000 per job. Is the government of Ontario, in order to protect the 6,000 jobs going to be lost in

the Sudbury basin, prepared to put that kind of money per worker, either by stockpiling—

Mr. Speaker: That's not supplementary.

Mr. Martel: Certainly, it is. Mr. Speaker, I'm asking if the government is willing to put a proportionate amount of money in the—

Mr. Speaker: Order. The hon. member will take his seat. I was very, very attentive to the first question and it dealt specifically with Minaki Lodge. It did indeed and I so rule.

Mr. Martel: It dealt with jobs, Mr. Speaker.

Mr. Speaker: It dealt with jobs specifically at Minaki Lodge.

Interjections.

Mr. Speaker: Order, order. I'm ruling the supplementary out of order. You cannot debate it. You can challenge it if you wish. The hon. member for London Centre.

Mr. Martel: We were talking about the creation of jobs.

Mr. Speaker: You were talking about jobs in Minaki. Order. The hon. member will take his seat.

The hon. member for London Centre has a supplementary dealing specifically with Minaki Lodge and jobs.

Mr. Peterson: Could the minister tell us his response, and how much progress has been made with respect to the public accounts committee report that that asset should be disposed of as quickly as possible? Could he tell us what progress has been made in those negotiations and, perhaps, bring us up to date on those reported rumours in the press some couple of months ago that he was prepared to give the thing away? Is that the case?

Hon. Mr. Bennett: First of all, Mr. Speaker, let me assure you that it was not a statement by the minister or the ministry in relationship to what way we've disposed of the asset at Minaki.

Secondly, in relationship to trying to find a buyer, we have been seeking out and we've been discussing it with some of the principal hotel operations in the province of Ontario and across Canada and, indeed, some of the international chains. We will continue to do it and we anticipate, very shortly, to place an ad in the trade journals that will go on a very widely circulating basis to get proposals as to what the private sector could do with Minaki.

Mr. Kerrio: Put the old Hydro building on the list.

Mr. Foulds: Could the minister tell us how many jobs were, in fact, created by that expenditure of funds? Would he not agree

that, as a matter of policy, it would be wiser to spend that kind of money building a true economic infrastructure for the north, so the kind of layoff that occurs in Sudbury would not have the devastating effects on one-industry communities that it does have?

Hon. Mr. Bennett: I've listened to members from the north for the last number of years indicating very clearly they felt that we should be moving into areas of tourism to try to strengthen the economic viability of some of those communities. Minaki was intended to do just that.

We got into a constraint period because of limitations and government spending. Minaki was one of the first programs that was cut, and I'm sorry to say that it has been. But it was intended to try and develop some meaningful employment for people of Minaki, both natives and others in that community.

During the construction period there were a very substantial number of jobs. At the moment, the only portion of Minaki that is in full operation is Holst Point.

Mr. Foulds: How many jobs are there?

Hon. Mr. Bennett: I'd have to inquire.

LAYOFF OF NICKEL WORKERS

Mr. Haggerty: I would like to address a question to the Minister of Labour. Will the minister apply all her energy and resources available to ensure that fair employment practices will prevail during the present negotiations between Inco Metals and Locals 6500 and 6200 relating to the present massive layoffs of Inco Metals employees? Can the minister also assure the Legislature that good-faith bargaining will be present in the matter of equity and severance pay, and that Inco operations in Sudbury will be given the same consideration on severance pay that applies to Inco employees in Port Colborne who have received notice of termination of employment?

Hon. B. Stephenson: Mr. Speaker, the company has complied with the legislation thus far. I think it has informed not only the Ministry of Labour but also the trade union in Port Colborne of the kinds of programs which it is willing to negotiate with the unions regarding early retirement and some supplement to retirement programs for those who might choose to take, perhaps, an earlier than early retirement. Indeed, there are other facets to that set of negotiations which are quite important for the workers in Port Colborne.

It is my understanding that thus far the company has carried out those negotiations in as good faith as it is possible to carry

them out. I will certainly be monitoring whatever negotiations there are, because we intend to be a part of the development of the programs which might be applied to Local 6500 in the Sudbury area.

Mr. Haggerty: Supplementary: Perhaps the minister is not aware of the present negotiations going on between Local 6200 and Inco at Port Colborne, where employees who have a certain degree of disability and who are classed for only modified employment are being coerced in a quiet manner, being told, "There are no jobs here for you"?

Hon. B. Stephenson: I am aware of the scope of the negotiations. If there are specific problems of this sort, then I would appreciate having them drawn to my attention. They have not been drawn to my attention to this date, and if the hon. member has some examples then I would think it's his responsibility to let me know of these so that I may, indeed, intervene.

LAYOFF OF NICKEL WORKERS

Mr. Martel: A question of the Minister of Industry and Tourism: In view of the fact that this government was prepared to put up \$45,000 per job in the creation of work in the Minaki area, is the minister now willing to put up that type of money per job to protect the 6,000 who will be jobless as a result of the Falconbridge and Inco layoffs?

Hon. Mr. Bennett: Obviously, Mr. Speaker, that's a question that should be directed to the Premier and subject to consultations by our cabinet colleagues.

Mr. Cassidy: Don't duck it.

Mr. Deans: Just the Premier.

Mr. Martel: I listened to the minister saying that in order to create meaningful employment the government was prepared to put that kind of money into the Minaki area; is it prepared to put that kind of money into the Sudbury area to create meaningful work for the 6,000 people who are going to lose their jobs?

Hon. Mr. Bennett: In relationship to the Inco situation, it's a matter of retaining employment. I have no program within the ministry at this time that gives me the authority to loan or advance funds to any corporate structure to retain employment.

Mr. Martel: I am not suggesting that.

Hon. Mr. Bennett: To develop meaningful employment is the project that has been given to this ministry and we try to carry it out the best we can.

Mr. Martel: Is the minister prepared to buy or stockpile nickel by outright purchase

to that amount or by buying shares in Inco, so that, in fact, the government has a say as to how the company will act in respect of its employees in the Sudbury basin?

Hon. Mr. Bennett: No, Mr. Speaker.

FRENCH-LANGUAGE INSTRUCTION

Mr. Nixon: Mr. Speaker, I have a question I would like to direct to the minister responsible for the bilingual policy of the government. I understand that's the member for Cochrane North. Is that right? He is nodding. He said "Oui."

Is he aware that a significant number of the high schools in this province no longer offer French-language instruction in grade 13 and that some of them, because of lack of interest or application on the part of the students, are not offering it in grade 12?

Is he further aware that in the five years since 1971, the number of grade 13 students taking French has been reduced by 40 per cent, and is he, in his area of policy responsibility, doing anything with the Minister of Education (Mr. Wells), his colleague the Provincial Secretary for Social Development (Mrs. Birch) and the Minister of Colleges and Universities (Mr. Parrott) about this regrettable matter?

[2:45]

Hon. Mr. Brunelle: Non, M. le président, je n'étais pas au courant du problème comme mon collègue vient de m'apprendre. Il me fera plaisir d'en discuter avec le ministre de l'Éducation et c'est certain que nous ferons ensemble notre possible pour essayer de remédier à la situation que le député vient de nous apporter.

Mr. Nixon: Supplementary: If he is not aware of this matter, as he indicated in his answer, why is it that he has been given this extremely important responsibility having to do with the policy on bilingual matters in the province of Ontario when it is of such concern and importance, not only in these days but for the educational future of our young people—

Mr. S. Smith: That's right.

Mr. Nixon: —let alone to those of us who are already suffering from certain inadequacies, not only in education but probably in a personal field as well?

Hon. F. S. Miller: Aw, Bob.

Hon. Mr. Brunelle: In this province, when it comes to education in the French language, I believe that we have an exceedingly good record. As I mentioned to him in French a

little while ago, I would be pleased to take this matter up with my colleague, the Minister of Education, and I am sure that we can work out a good program.

Mr. Samis: Comme le représentant de la population francophone de notre province, êtes-vous prêt de suggérer à votre collègue, le ministre de l'Éducation, de faire de la langue française un sujet obligatoire dans l'école secondaire?

Hon. Mr. Brunelle: Ceci, M. le président, ce sera une politique du gouvernement et ce sera la responsabilité du premier ministre et des membres du cabinet.

In other words, it would be a policy of the Premier and the Ontario government to make French an obligatory subject.

Mr. Samis: The provincial secretary is the only francophone left in the cabinet. No wonder they complain as they do.

Mr. S. Smith: What is his degree of responsibility? What does he do?

Mr. Kerrio: He balances the scale with the member for Lambton (Mr. Henderson).

Mr. Sweeney: Supplementary: Has the minister discussed with his colleague, the Minister of Education, the fact that the funding mechanism set up by his ministry to encourage the schools of the province of Ontario to teach French is such that in fact it discourages them as they become more proficient and as they go deeper into the language? Has he discussed that?

Hon. Mr. Brunelle: The Minister of Education announced this year—and I believe the hon. member was in the House—a program of substantially increased funds for various school boards to promote the teaching of French to English-language students.

Mr. Sweeney: That is precisely what I am referring to. In view of the fact that the mechanism that he announced—the mechanism that is in place—says to the local school board that if you go into an immersion program it is going to cost you more, how can we possibly expect the school boards to pick up that new mechanism when they can't afford to do it? How can we expect that?

NATIVE RIGHTS

Mr. Wildman: Mr. Speaker, I have a question for the Minister of Natural Resources. In view of the fact that the Robinson Huron Treaty recognizes the rights of the members of the Ojibway bands in that region to hunt and fish on the lands they ceded as long as they remain unoccupied Crown lands, but the Ministry of Natural Resources officials are enforcing provincial fish and game regu-

lations under the federal Fisheries Act and the provincial hunting laws—

Mr. Speaker: Question?

Mr. Wildman:—which seriously restrict these rights, is the minister prepared to recommend changes in those regulations to the federal government and to his ministry in order to preserve these rights and to stop harassing the Ojibways of the region?

Hon. F. S. Miller: Mr. Speaker, I think the question of whether or not we are harassing the Ojibways in the region can be disputed. I believe the hon. member is referring to a specific case where some deer and moose were picked up from some Indians who alleged to be members of the Robinson Huron Treaty.

It is my understanding that the provincial game and fish laws—where we have them—are overridden by the treaties with the Indians. I also understand that federal statutes override the treaties.

Mr. Wildman: That's only true in fishing.

Hon. F. S. Miller: The fact remains, there are some rules in each category. My staff have been told to honour the treaties with the Indians. Sometimes, however, events occur where Indians who allege to be members of one band with certain rights are hunting in an area where those rights do not apply, and these result in the kinds of occurrences we saw in the member's area not long ago.

Mr. Wildman: Supplementary: Without discussing a particular case, I would like to ask the minister: isn't it true that although the courts have interpreted the Fisheries Act to override the treaties, the federal government simply rubber-stamps provincial regulations that are set under that Act? If that's the case, why doesn't the minister suggest changes in those regulations that would comply with the treaties? Why didn't he reply to the letter from the Union of Ontario Indians which requested a meeting on this matter to resolve the whole controversy?

Hon. F. S. Miller: First, Mr. Speaker, if I haven't replied to a letter, it's a very unusual thing except for one that the member for Sudbury East (Mr. Martel) referred to. It has been replied to, by the way.

Mr. Lewis: I'm glad you found your courage.

Mr. Laughren: Screwed up your courage.

Hon. F. S. Miller: Thank you; it comes in bottles. Every so often a letter will be a bit slower in the reply, but they certainly will not be ignored.

While I was in the member's riding recently, I had the opportunity to talk to some of the Indian chiefs and to discuss this matter with them. I can assure them I will see that the spirit of the treaties is enforced, but I ask them in turn to obey the law also.

Mr. Reed: Supplementary: Does the over-ride to which the minister refers apply to fish and game taken by native peoples for resale, or does it only apply to fish and game taken for home consumption?

Hon. F. S. Miller: That's, I guess, one of the questionable points. It's my understanding we've interpreted the laws to allow the Indians to hunt for their own purposes regardless of the federal nature of the statute, providing they are hunting for food for their own purposes.

We have had a number of occasions, I believe, in the riding of the member for Nipissing (Mr. Bolan) where it has been alleged that Indians using the right to fish for food have been selling large quantities of fish and causing problems, in fact depleting the stocks. This is when we get into real troubles with people who have taken a law we've already bent and bend it further.

Mr. Wildman: Is the minister prepared to meet with the chiefs of the region and the representatives of the Union of Ontario Indians to discuss the new, or apparent redefining of the phrase "unoccupied Crown lands"?

Hon. F. S. Miller: I think the member will realize I'm generally willing to meet with people who have a reasonable cause. I would suggest that in some cases this kind of meeting is best done at a staff level first to hammer out technical details.

Mr. Wildman: It already has been.

Hon. F. S. Miller: If my staff say the technical details are hammered out, certainly I'll see them.

ENERGY DEVELOPMENT

Mr. Reed: I have a question of the Minister of Energy. Understanding that during the last election statements were made to indicate that work was under way to investigate methanol production for Ontario, at what stage is that work at the present time and when can we expect a report on methanol for Ontario?

Mr. Cassidy: Around about the next election, eh?

Hon. J. A. Taylor: Mr. Speaker, shortly.

Mr. Kerrio: You've kept your record intact.

Mr. Reed: Mr. Speaker, I'm glad the minister didn't say "in the fullness of time." Now

that it's been close to half a year, can he give us a ball park figure—a month or two months or six months, or never?

Hon. J. A. Taylor: Mr. Speaker, I gave the abbreviated answer first; now I'll enlarge, if I may.

As members know, experiments have been going on in connection with the use of methanol in conjunction with gasoline through the Ministry of Transportation and Communications with their various types of vehicles.

We have a committee that's made up of members from industry, from the universities and from the people in the oil industry, that will be a second report. I expect that report to be forthcoming, I said shortly, I would expect certainly before Christmas.

Mr. Reed: What year?

Mr. Samis: Supplementary: Can the minister tell us, as a result of his exotic travels, if anything from that trip can be applied to expedite the process in Ontario?

Hon. J. A. Taylor: It is very interesting. There has been a vehicle developed; the Volkswagen people have developed an all-methanol vehicle. It is very similar to the Rabbit, operating on all methanol. It looks like that application will be used in countries such as Brazil where they are using sugar cane, apparently, to produce methanol. I can see the application here either in terms of methanol mixed with gasoline or an all-methanol vehicle. I think one of the problems is to ensure a fast-growing crop that one can harvest very quickly to produce methanol and provide an economic type of operation.

In terms of the distribution system, it very well could be for example, that the premium pump could be used, in the existing service station complex, to distribute gasoline. I could talk on it for some time. I would be happy to talk with my critic at his pleasure and to develop it further.

HAMILTON OFFICE COMPLEX

Mr. Deans: I have a question of the Treasurer. I wonder if he could provide the rationale for the decision which was made, about the provincial office complex in Hamilton, which didn't seem to take into account the rising unemployment that is likely to occur throughout the province. Not only was the government not prepared to proceed with the promise it made to build a provincial office complex in the city of Hamilton, but it wasn't even prepared to undertake to go ahead with it on the basis of a private development which was proposed by a developer in the Hamilton area.

Hon. Mr. McKeough: That was not my decision, it was a decision taken by the cabinet, and in particular it was a decision taken by cabinet that so much money would be available—

Mr. Cassidy: You are hiding behind the Premier.

Hon. Mr. McKeough: —for public works for government buildings. In an attempt to meet that target, certain larger projects were not approved. I think—the question might be more properly directed to the Minister of Government Services (Mr. McCague).

Mr. Deans: If I may, by way of a supplementary question, I will ask the Treasurer, because I am particularly interested in what the financial implications would have been to the Treasury by way of a capital outlay in allowing the project to proceed by way of the private development that was proposed; which would have, at least in the short run, have provided a great number of jobs in the construction industry; which in turn would have helped to offset the rising unemployment levels.

Hon. Mr. McKeough: That was not part of our deliberations. Whether it subsequently makes sense for the government to relocate, I assume at higher costs, from a variety of locations into a privately-owned building is a question of what the leased costs are presently. That is a question the member would have to put to the Minister of Government Services.

Mr. Deans: One final supplementary: Is it fair to say that the Treasurer might be able to make an announcement with regard to the development going ahead some time just before the next election?

Hon. Mr. McKeough: Not to my knowledge today, tomorrow or before the next election. For the third time, I would say that is a question the member might want to direct to the Minister of Government Services.

DANGEROUS OFFENDERS

Mr. Epp: I have a question of the Attorney General. In view of the fact a Belleville man recently was released from the Kingston penitentiary, a man the Ontario Provincial Police classified as a dangerous sexual psychopath, and that this person was put in prison after he had assaulted a 10-year-old girl near Belleville and was released in February—

Mr. Speaker: Question.

Mr. Epp: He was released in February after trying to lure some kids away from parks and schools. I wonder whether the Attorney General's ministry made any representation to the parole board; was his ministry asked to make any representation, and if asked were any made?

Hon. Mr. McMurtry: No, we were not asked to make any representations, nor is it the practice of the Ministry of the Attorney General to make representations to the parole board.

[3:00]

Mr. Breithaupt: Supplementary: Since, apparently, this man kept various newspaper clippings about children in our twin-city area, and maps dealing with the locations of schools in our area, will the Attorney General recognize the seriousness with which this unfortunate circumstance is being looked at by many concerned parents in our community; and will he, perhaps, review the case before an unfortunate and tragic event, which seems almost to be planned for, can occur?

Hon. Mr. McMurtry: I think there is, perhaps, a little confusion as to the role of the Ministry of the Attorney General in matters such as this. As you know, we do not administer the police forces. I gather the police force—and of course, it has been already stated in the Legislature—has indicated concern about this individual. I have learned somewhere, perhaps in the press, that the local police forces have indicated this man is being kept under surveillance. The role of the Ministry of the Attorney General, when the case comes before the courts, is to see that it is properly prosecuted. In the future, if it appears that an application should be made under the new amendments to the Criminal Code, that were just proclaimed a week ago, in relation to dangerous offenders, then the agent for the Attorney General will request the court to make such an order declaring an individual a dangerous offender. But once the case has been processed through the courts, the Ministry of the Attorney General really does lose jurisdiction.

Mr. Epp: I have a supplementary, question, Mr. Speaker. I was wondering whether the Attorney General will recommend to the Solicitor General (Mr. MacBeth) that this procedure be followed, that they become more involved in this and try to resolve it.

Hon. Mr. McMurtry: Mr. Speaker, my understanding is that the police forces are very much involved in the matter at the present time.

FUNDING OF WAWEL VILLA

Mr. Duksza: I have a question of the Minister of Community and Social Services. Can the minister tell the House whether he will honour the promise made by his predecessor to help partially fund Wawel Villa in 1977 which is a proposal by the Polish community in Toronto to build a senior citizens home.

Hon. Mr. Norton: Mr. Speaker, the subject of Wawel Villa has been dealt with by me in a meeting with the board of that home for the aged. I have communicated very clearly to them that, unfortunately, I do not have, in my budget, capital funds that would permit me to make any such undertaking at this time.

Mr. McClellan: We have been told that in the last four years.

Hon. Mr. Norton: It is unfortunate that this particular group was ready to go ahead a number of years ago, at a time when capital funds were available; but because of a schism within the group itself they were delayed several years. Unfortunately, they are now ready again—this particular section of the group—to proceed at a time when I simply don't have any capital funds with which to support the program.

Mr. Foulds: There is a schism in cabinet now.

Mr. Duksza: Supplementary.

Mr. Speaker: The time for the oral questions has expired.

INVESTIGATION OF REPORTER

Mr. MacDonald: Mr. Speaker, on a point of personal privilege: In view of the admission of the Minister of the Environment that what happened in his ministry was a form of intimidation of a reporter, and since this affects the privileges of this House in reference to free reporting, would you, as the Speaker of this House and the guardian of its privileges, ascertain whether or not that kind of thing was done by any other ministry, either by word of mouth or otherwise?

Mr. Speaker: It may be a matter of privilege affecting anybody in this House. I fail to see where you have a valid point of privilege that affects any member of this House.

Mr. Lewis: It affects free and fair reporting.

Mr. Swart: It affects all members of the House.

Mr. Speaker: It doesn't affect the privileges of any member of this House.

Mr. Lewis: We need a free press; it affects my personal liberty.

Mr. Speaker: I see no matter of privilege affecting any member of this House, and that's all I have to be governed by.

Mr. MacDonald: Is it not a matter of privilege to be assured that reporters have the freedom to report as they see fit, and as their editors are willing, rather than as required by ministers?

Mr. Speaker: No. Our privilege provisions in this House affect the privileges of members of this House and no others.

Mr. MacDonald: Collectively.

Mr. Conway: That is before the court of appeal.

REPORTS

STANDING PROCEDURAL
AFFAIRS COMMITTEE

Mr. Breaugh from the standing procedural affairs committee presented the committee's report, which was read as follows and adopted:

Your committee has carefully examined the following applications for private Acts and finds the notices, as published in each case, sufficient:

Fuller-Austin of Canada Limited;
Borough of Etobicoke;
City of Sarnia (No. 1);
Niagara Institute for International Studies;
City of Hamilton;
Matol Holdings Limited;
Stanley Starr Limited;
Garnet Holdings Limited;
City of Ottawa;
Kedna Enterprises Limited;
City of Windsor.

Your committee recommends that the House give unanimous consent to permit introduction and first reading of Bill Pr34, An Act respecting the City of Sarnia, before the completion of the necessary publication for notice, notwithstanding sessional order 35.

MOTIONS

Hon. Mr. Welch moved that the statutory instruments committee be authorized to sit concurrently with the House tonight.

Motion agreed to.

INTRODUCTION OF BILLS

LIQUOR LICENCE AMENDMENT ACT

Mr. Mancini moved first reading of Bill 76, An Act to amend the Liquor Licence Act, 1975.

Motion agreed to.

Mr. Mancini: The purpose of this bill is to increase the legal drinking age in the province of Ontario from 18 to 19 years of age; and that the said change take effect on March 1, 1978.

Mr. Laughren: Does your caucus agree to that?

JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 77, An Act to amend the Judicature Act.

Motion agreed to.

COUNTY JUDGES AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 78, An Act to amend the County Judges Act.

Motion agreed to.

JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 79, An Act to amend the Judicature Act.

Motion agreed to.

PROVINCIAL COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 80, An Act to amend the Provincial Courts Act.

Motion agreed to.

SMALL CLAIMS COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 81, An Act to amend the Small Claims Courts Act.

Motion agreed to.

Hon. Mr. McMurtry: Mr. Speaker, I've been pleased to move first reading of a significant series of bills which provide for a number of changes in the structure, procedures and substantive law of the Supreme Court of Ontario, the county and district courts, the provincial courts and the small claims courts. I propose to comment on this series of bills as a whole, because I want to urge on all members the importance of the bills and the necessity of proceeding with them as expeditiously as possible.

The office of associate chief justice is created in the court of appeal, the high court,

by the legislation. In the county and district courts, and both divisions of the provincial courts, provision is made for the appointment of an associate chief judge. The high court of justice, which is the trial division of the Supreme Court of Ontario, is expanded by four judges so that it will consist of a total of 42 judges.

A rational system for awarding pre-judgment interest is provided, which will be applicable in the Supreme Court, the county and district courts and the small claims court. Recommendations of the Ontario Law Reform Commission in regard to abolishing the technical and formalistic aspects of the distinction between motions in court and motions in chambers are implemented.

Substantial changes are made in the law relating to the issuing and vacating of certificates of lis pendens. Persons who make spurious claims for the purpose of registering a certificate of lis pendens against title to land are made subject to liability for damages. Jurisdiction to vacate certificate of lis pendens is extended to local judges of the Supreme Court.

These amendments are in response to a number of practical problems which have been brought to the attention of my ministry, by judges and by lawyers in private practice.

Times, of course, are changing, and the convenient and informal form for the settlement of disputes which is provided to the public by the small claims courts must be made more accessible and given a wider monetary jurisdiction. The bill increases the monetary jurisdiction of the small claims courts to \$1,000 from \$400 in southern Ontario and from \$800 in the northern districts. In future, this new monetary limit of \$1,000 will apply to small claims courts throughout the province.

The bill also makes provision for a judge to adopt less technical procedures in a small claims court and to admit relevant evidence which is inadmissible according to the strict rules of evidence. These amendments will facilitate the presentation of cases by persons who are not lawyers.

The procedure for pre-trial garnishment, a procedure which has been much criticized, is abolished.

[3:15]

Provision is made for the appointment, tenure and removal from office of small claims court judges, similar to the provisions applicable to provincial judges, including extending the jurisdiction of the judicial council for provincial judges to small claims court judges.

Finally, provincial judges sitting in the family division of our provincial courts are given full power to award costs of proceedings taken before them where there is no other statutory provisions as to costs.

Once again, I wish to stress the importance of these bills and to state that they represent a practical legislative approach to a wide range of problems in the administration of justice in Ontario. Thank you, Mr. Speaker.

ONTARIO FOOD TERMINAL AMENDMENT ACT

Mr. Pope moved first reading of Bill 82, An Act to amend the Ontario Food Terminal Act.

Motion agreed to.

Mr. Pope: The purpose of this bill is to authorize the Ontario Food Terminal board to establish a branch operation in the territorial district of Cochrane.

EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Breagh moved first reading of Bill 83, An Act to amend the Employment Standards Act, 1974.

Motion agreed to.

Mr. Breagh: The purpose of this bill is to extend the protection for accrued wages, overtime pay and termination pay under the Employment Standards Act, 1974. Its net effect would be that when a company entered into bankruptcy, the wages and moneys owed to employees would get first priority and would not be held into a receivership court.

ORDERS OF THE DAY

AUDIT ACT

Hon. Mr. McKeough moved second reading of Bill 43, An Act to revise the Audit Act.

Mr. Reid: I will be brief, Mr. Speaker. We have been waiting for the new Audit Act for a considerable time, as a matter of fact, I think we can safely say a number of years.

As you may be aware, sir, there haven't been any substantial changes in regard to the Audit Act since the early 1950s. There was one amendment in 1971, other than that the Act remained pretty well as it has been.

Hon. Mr. McKeough: Amendment was very substantial in 1971.

Mr. Reid: Yes, it was amended substantially in 1971, but this Act we have today—

Hon. Mr. McKeough: I show it on my curriculum vitae.

Mr. Reid: Would the Treasurer like to make some remarks and save me all this trouble; either that or send me his curriculum vitae?

The Act we have before us today seems to be based to some extent on the Financial Administration Act of the federal government, Part VII, dealing with the Auditor General of Canada; and of course that deals with a number of matters that are appropriate to our own situation here in Ontario.

There are some new sections in the bill. As a former chairman and present chairman of the public accounts committee, I'm quite happy to see, in particular, the sections dealing with the fact that the Auditor has direction and control over those agencies, Crown agencies and otherwise, that are being audited by accountants in the private sector.

The Auditor has the authority under section 9 of the bill to ask for the working papers and in fact he can ask for additional examination and investigation of any audit that has been done by the private sector of an agency or ministry of the Crown that is not under the direct control of the Auditor, or which is not being audited by the Auditor's staff. I think this is a most important part of the bill.

Pretty well the essence of the bill is in sections 9, 12 and 13. I have a couple of questions that perhaps we can get into when we discuss the matter in the public accounts committee. There is one question in regard to section 13 of the Act, but perhaps that can wait.

Generally, the Liberal Party supports the bill. We are happy to see it.

It might be worthwhile at this time to say that the Auditor and the public accounts committee have come quite a way in the last few years. It was only in 1968, if I recall correctly, when a member of the opposition became chairman of the public accounts committee—it's here in my curriculum vitae.

I believe it was Mr. Jim Trotter, former member for Parkdale, who was the first opposition chairman.

Mr. Nixon: His Honour James Trotter.

Mr. Reid: His Honour James Trotter, yes. The second chairman, I am sure you are not aware, Mr. Speaker, was my friend and colleague the member for Kitchener (Mr. Breithaupt).

An hon. member: For six years.

Mr. Reid: The third and more eminent chairman was the member for Rainy River, as a matter of fact—

Mr. B. Newman: Is he still in the House?

Mr. Reid: —and the fourth was the member for Sudbury (Mr. Germa). So there have only been four chairmen of the public accounts committee from the opposition parties.

There are a couple of matters that would be more appropriately brought up during the clause-by-clause discussion of the Audit Act in the public accounts committee and I will reserve my comments for that particular time.

It is interesting to note, perhaps by way of historical footnote, that we have not been operating to the letter of the Audit Act as amended in 1971. In fact, we have not been operating according to the letter of that Act for some time. It's really time that we did do away with all those matters relating to pre-audit, the Auditor having to sign the cheques and a few other things like that which were in the previous bill. It's an interesting footnote that the government in fact has been operating somewhat illegally, I would think, in not following the old Audit Act, and I say that the new one is long overdue.

Mr. Germa: Mr. Speaker, I am pleased to rise and make a few comments on Bill 43, An Act to revise the Audit Act. It is true that we have been waiting for some considerable period of time for this bill, and I think one of the most important principles involved in the bill is that it secures the independence of the Provincial Auditors, not only through his appointment but in establishing his wages, in his freedom to hire his own staff and in his freedom to hire the assistant auditor.

In principle I think we are making a major step forward to secure the independence of the Auditor, and I think it would be good to enunciate the principle of an independent person—and I will quote from a paper produced by the Bureau of Municipal Research in June 1976: "The importance of an independent audit of funds handled by public officials has been recognized historically as early as Aristotle's days when he described a situation in ancient Greece." I continue to quote: "Inasmuch as some of the magistracies handle large sums of public money, there must be another office to receive and account and subject it to audit, which must itself have no other business." I underline that statement, "handle no other business." "These officials are called auditors by some people, accountants by others, examiners by others, and advocates by others." So the principle of an independent auditor goes away back in our history, and to that I do subscribe.

Those people who handle public moneys, I think, have to be scrutinized by a person who has absolute independence and cannot in any degree or manner be perceived to be under any influence from any authority. In order to maintain the confidence of the public in public spending, it must know that the person auditing these expenditures is, in fact and absolutely, independent.

I had thought that, during my experience and my close contact with the Auditor in Ontario, in my continuing duties as a member of the public accounts committee over the past five or six years—and of course as chairman in the past session—I was in close contact with the Auditor. During that period I was of the impression that Ontario probably had one of the best audit systems in Canada—

Mr. Reid: Had one of the best; and is too!

Mr. Germa: —until such time as a study was done by Simon McInnes from the department of political science, Glendon College, York University. In a paper presented in Quebec City on May 30, 1976, McInnes evaluated all of the Auditors in Canada in three categories which he headed: not independent, almost independent, and independent. He classified Ontario's Auditor as almost independent; which was a surprise to me, because from my experience with three Auditors during my time here, I had thought them to be, and I did perceive them to be, acting in an independent manner. But after careful study by McInnes, he came to the conclusion that the Ontario Auditor was almost independent.

I am not exactly sure where the absolute independence of the Auditor in Ontario breaks down, but I have to accept that McInnes is a qualified researcher. I do not know exactly where the weakness was in the legislation, but he came to that determination.

Just for general interest, under the heading not independent—and McInnes is referring to the Auditors—Alberta's Auditor is classified by him as not independent; British Columbia's Auditor is also classified as not independent; and those provinces which he deems to see as having independent Auditors are Newfoundland, Nova Scotia, New Brunswick, Quebec and Saskatchewan.

I think the bill probably does accomplish, the plugging of those holes in the legislation where McInnes perceived that Ontario's Auditor was not, or could not be classified as independent. It is my sincere hope that adoption of this legislation will, in fact, accomplish that.

There are a couple of sections that I think should be stiffened up. Both of them are controversial; they have been around for many years and have been discussed at various levels. I'm speaking to the principle as enunciated in section 9 of the bill, having to do with audit of Crown corporations. [3:30]

The bill, while it does improve the present legislation, gives the Auditor opportunity to intervene when private auditors are hired by Crown corporations to do their audit. The Provincial Auditor could, if he saw fit, go in and re-examine their presentation. But I would tend to go back to the basic principle of Aristotle's time, when it's said that the auditor of public moneys should handle "no other business." That's how long the argument has been in place about who should audit the expenditure of public funds.

Even back in those days they were determined, and did state, that the person who was auditing public funds should be engaged in no other business. We do not accomplish that principle when we allow Crown corporations to go out and hire a commercial auditor.

Mr. Foulds: Themistocles did some—

Hon. B. Stephenson: What about Diogenes?

Mr. Foulds: No, it was Themistocles.

Hon. B. Stephenson: But I think Diogenes was looking for the honest man too, wasn't he?

Mr. Foulds: Diogenes was fooling around with the silver he found.

Mr. Germa: Is the Minister of Labour trying to disturb me?

Hon. B. Stephenson: As long as your vision and your hearing have improved today, Bud, I will be quiet.

Mr. Germa: They have, markedly. I recognize the difference, you know.

Hon. B. Stephenson: Good.

Mr. Germa: The report of the independent review committee on the office of the Auditor General of Canada, tabled in Ottawa—in March, 1975, I think—was the bible that was used by the people writing this legislation. I notice a lot of the wording of the recommendations of the report of the independent review committee are just transferred into the legislation. I think this was a very good report.

They did consider and speak to the subject of the audit of Crown corporations at that level. It says on page 55 of the report: "In the 1960s, for example, the standing com-

mittee on public accounts stated that the Auditor General should audit all Crown corporations." That was back in 1960. They were of a very firm opinion.

"The committee," and I'm quoting again, "consistently maintained its position in its report to the House of Commons between 1964 and 1969." So we had a position that maintained for nine years that all Crown corporations should be audited by the Auditor General.

Then in 1970 it reversed its stand, proposing that there should be no change in existing arrangements; that is, and I'm quoting again: "the audit of some corporations should continue to be undertaken by accounting firms."

Mr. Foulds: Shameful retreat.

Mr. Germa: Of course the Canadian Institute of Chartered Accountants, I suspect, had some influence in changing the committee's mind. I think that either position is valid, except that mine, I think, is a little more valid; mainly because I hold that opinion, I guess that's all that makes it more valid.

So I propose to enter an amendment when we get to committee—I'm presuming this is going to the public accounts committee for the clause by clause—I propose to try to amend section 9 to accomplish that all Crown corporations shall be audited by the Provincial Auditor.

Another subject I would like to speak to is section 10. It provides that "every ministry of the public service and every agency of the Crown shall furnish the Auditor with such information regarding its powers, duties, activities, . . ." I am posing this as a question, and I am relating it to the difficulty the Auditor ran into last year when he attempted to extract certain information from the Ministry of Health as it related to the expenditures of the Ontario Health Insurance Plan.

Under the Act which established the Ontario Health Insurance Plan there is a section which apparently must supersede the section which I have just quoted, the one which says that every ministry must supply the Auditor with information. We know of the controversy that surrounded the attempt by the Provincial Auditor to get certain information so that he could make an evaluation as to the expenditures of that particular program. I am posing it as a question to the Treasurer (Mr. McKeough), that he clarify in my mind which Act has precedence; the OHIP Act which provides for the non-disclosure of of very large expenditures, or this section of

the Audit Act which says that no information can or will be withheld from the Auditor.

There is definitely a conflict between those two pieces of legislation. That concerns me, and I don't know until the Treasurer responds whether an amendment would be advisable or not.

A new section and a new concept is that having to do with the Auditor not only going through the basic financial evaluation to ensure the money was legally spent, that legislation was complied with and that there is an accounting, but also that the Auditor now will have the authority, and is in fact commanded, to report on value for money expended. In the report of the independent review committee, which I referred to earlier, on that subject matter, under recommendation (iii), it states: "The Auditor General should report annually to the House of Commons if money has been expended other than for the purpose for which it was appropriated by Parliament, or if value for money has not been obtained for any expenditure or expenditures."

That is one place where the person drafting the bill deviated from the recommendations. They used the clear and unadulterated term "value for money expended," whereas in the present Act that we have before us they speak of "money expended with economy and efficiency." I know some people will translate those three words and say they all mean the same thing. If money is expended with economy and efficiency, therefore we must have consequently received value for money. I tend to favour the wording of value for money, even though I suspect that if money is expended with efficiency and economy then I must have received value for money.

I myself, personally, would like the Treasurer to speak to that particular wording in the legislation. Why was value for money not lifted right out of the recommendation, as very many other parts of the bill in fact were? Otherwise, I am very happy to see this legislation before the assembly. We do intend to support Bill 43.

Mr. Peterson: I just want to make two or three points. I don't intend to dwell on that which is self evident to every member of this House, and has been for the past few decades or so. I just want to say a couple of things.

First of all, we very clearly support the position of the independence of the Auditor, but I am personally somewhat disturbed by the way the public accounts committee functioned last year, because we do have the legislative power to undo what he can do through his independent good offices. I think

that in spite of what is enshrined in the Act, despite any new provisions that are brought in through this Act, we have to always remember very strongly the responsibility of the public accounts committee. As one who was a member of that committee last year and suffered through some of the trials with that committee. I don't look back with a great deal of pride on what transpired. I think we have to constantly remind ourselves that we have a very strong obligation as members of that committee to make sure that the credibility of the Auditor is at all times protected, because he certainly can't do it alone. He needs the assistance of the legislators in this process.

There is one other point I want to make which pleases me a great deal. I wasn't sure when I originally read the Act, but section 93, as I understand it after consultation with people more expert than I, says: "Where the accounts of a Crown-controlled corporation are audited by other than the Auditor, the person or persons performing the audit shall—" such and such and such.

That includes, I understand, various pension funds that have been a great source of concern to me. My understanding is that in the past the Auditor has audited the public service superannuation fund and the Legislative Assembly retirement fund; but according to the new provisions he will be in charge of auditing OMER's fund and the teachers' superannuation fund. I think that is a very progressive step, I want to see an independent corroboration for those numbers; but almost more important, I want to see an independent annual check on the unfunded liabilities of those funds. We have, in the past, so heavily leaned into those funds to finance provincial deficits; when they are not actuarially sound; when there are large deficits and unfunded liabilities—depending on how you interpret it somewhere between \$1.3 billion and \$2 billion, depending on whether you take the optimistic or pessimistic view. It is my view that those things need an annual review.

Under the present provisions, I understand, there is a new actuarial report done every three years. I am told by certain ministry people—and I believe it was the Treasurer, but I am not exactly sure and I don't want to misquote him—that they contemplate doing that on an annual basis, even though it may require an amendment to the Pension Benefits Act.

Given the perilous economic times we are living in, given the rapid change in demographics in this province and in this country, given the very high inflation we're experienc-

ing—all of which are unfunded liabilities on a very substantial basis—it is my opinion that those kinds of matters have to be brought under constant scrutiny; not only by the Treasurer, not only by the legislative process, but also by the Auditor. That is why I am going to continue to push, as best as I can, for an annual provision for the review of those unfunded liabilities.

In the past these funds have been a very easy source of credit to the province; I have said on other occasions, and I will continue to say, that they have probably been very substantially abused. We are going to have to pay a price for that sometime in the future, and that future is probably closer to us than we would like to admit.

I want to put this point before the Treasurer today on second reading so that he can consider it. We will have to satisfy ourselves that this is adequately dealt with in section 93. I am assured by my staff that it probably is, but I want to make sure that this other provision is dealt with and that the Auditor can give his independent assessment of these unfunded liabilities that appear no more than by way of footnote, or a note in financial statements. They appear on no consolidated balance sheet, no statement of accounts and no ledger in this province so that we can scrutinize it annually and understand it.

I think this Act, it appears to me at this point, is a progressive step. We start to get a clear overall picture on our total liability position in this province and I hope we can, through this Act and through amendments to other Acts, move towards that kind of view in the very near future.

[3:45]

Mr. Makarchuk: I'd also like to rise in support of the bill. I'd like to raise a few matters that are of concern to me, and they have been outlined by the previous speaker from our party.

One of the items that is of concern is section 9, subsection 2, which says the Auditor may perform on audit of Crown corporations and public corporations. I think this will probably be a matter for amendment, and that "may" should be changed to "shall." I feel that the Provincial Auditor should be required to be responsible for auditing Crown corporations as well as public corporations, and this may and should include Ontario Hydro.

One of the things that did come out in the discussions of the public accounts committee, particularly on Minaki Lodge, was the fact that some of the provincial money

was spent on the lodge inefficiently, if that's the term that we use in this thing. We didn't get value for money received, and they had a private auditor examine the books. I think there's a difference in approach between how a public corporation shall function and how a private corporation shall function.

If a private individual within his own company decides to spend his money in any way he sees fit, perhaps frivolously, perhaps he may embark on some projects that may be more of an entertaining nature, shall we say, than a straight business nature, that can be charged to the business, that can be used as a business expense and a private auditor will consider that as a legitimate expense.

I do not think the same code of ethics or the same standards should apply for a public corporation. This is one of the reasons why I feel the Act should state that the Provincial Auditor "shall" audit the books of Crown corporations and public corporations, including Ontario Hydro. I think of the problems that have developed recently in the discussion stage regarding the heavy water plant, the Bruce plant and so on.

I think the air can be cleared to a great extent if we had the Provincial Auditor involved in this situation instead of an auditor who has been employed by Hydro for a great deal of time. In some cases there develops sort of what one would call a rather friendly relationship that exists between the two of them and things may just not quite be on the up and up.

It's the kind of a situation that happens in a lot of cases, not necessarily in Ontario Hydro, where things can be overlooked or it can be suggested that perhaps we can put this spending here and we can put that money there, we can hide it here; that kind of a thing. That's a thing that does happen in private business.

The other item that is of concern is the value for money received. Again, this is a matter that was raised by my colleague, and it's section 12(2)(f)(iv). I'm sure every member of the House has on many occasions received complaints from members of the public indicating that money was misspent or that money was wasted on this particular project or that project; or they felt that the province overpaid; or they come to you and say, "We're spending so much money on certain things."

There's no way we could, in the estimates of the various departments, really go over this kind of information, but it seems to me that perhaps this kind of suggestion can be

forwarded to the Auditor and the Auditor himself should have the authority to ensure that we actually are getting what we're paying for.

As an example, one could possibly be buying batteries for some of the transceivers that people carry around, and paying something like \$70 or \$80 for batteries that are worth about 25 cents. When we get that kind of information those are the kind of things that worry me, because in many cases the people who are purchasing these things are not aware of the technology involved.

They are really not aware of what they're buying, and in many cases when the equipment is purchased the decision is made that one is going to be buying this kind of equipment and only this kind of equipment will fit in here, when in fact similar equipment can be picked up anywhere for a lot less.

I'm sure each and every member of this House has on occasion received complaints from members of the public where they felt that there has been a misspending of government funds. Yet each member cannot in any way assure himself or prove it one way or the other. He just doesn't have the resources, the time or the ability to dig into the reams and reams of paper, the invoices, the purchase order et cetera, to find out whether in fact it was well spent or not.

I would like to see the Auditor empowered to do this kind of work and have the adequate staff to ensure that the province of Ontario is not taken to the cleaners. I have the feeling right now that the province of Ontario has on many occasions been taken to the cleaners. Basically, the reason for that is that we really have not done that kind of supervision or examination of our spending in many cases.

On another item, and this is not quite in the bill but it's certainly a matter that has come out in the public accounts committee where we are concerned about provincial spending—and I'm referring to the Ronto situation—perhaps somewhere, sometime, somebody in this government or some authority, and I think the Provincial Auditor is the suitable person, should be able to look not at the government's taxation policies but at whether the government is really collecting taxes according to its own policies or its own regulations or its own legislation.

Again, at this time we have indications—in fact there was an editorial in the *Toronto Star* recently indicating it—that the provincial government is not collecting tax that is lawfully due to be collected. There's nobody who can sit up and say with detail or with certainty that this is going on or it is not going on. Although it's not in this bill at this time, I

think it should be discussed in the public accounts committee—I will certainly raise it there—that perhaps the Auditor should be empowered, not only to examine the spending of this government but also to see whether it is collecting the taxes it decides upon within its own regulations or legislation.

I would like to hear the minister's comments on that matter.

Mr. Breithaupt: As we now proceed with a new Audit Act, I do want to congratulate the Treasurer in bringing forward this bill which has been some time in preparation. As my colleague the member for Rainy River (Mr. Reid) mentioned, I had the great pleasure of being the chairman of the public accounts committee for the six years between 1967 and 1973. Throughout that time, the deputy chairman was Mr. James Allan, the former member for Haldimand-Norfolk. I believe that between the two of us we were at all times anxious to see the Auditor given the strength and support which we believe that office deserved.

The whole procedure has changed, not only during those years but since then, as we have developed a new operation within the province of Ontario. The expectations that we all have of the Provincial Auditor have changed as well while this job has been developed. As members of the assembly are aware, while the Management Board of Cabinet deals with the review, basically, of estimates before they come to the House, the Auditor's estimates are not included in that package. We have now developed the Board of Internal Economy to deal with those estimates and the ones of this assembly, as well as the Commission on Election Contributions and Expenses and the office of the chief election officer. As a result, the first step towards independence comes when the estimates are removed from the general governmental or politically-oriented overview and brought to a board which has on it representatives of all three parties in the House.

We've seen as well a division of the duties of this office and an improvement in the whole operation, as I've mentioned before. When I first became chairman of the public accounts committee, Mr. George Spence, who had served in that office for many years, was near his retirement. His successor, Mr. Bill Groom, was a man of whom those of us who knew him thought most highly. The unfortunate death of Mr. Groom and his wife in an automobile accident was something which we found a very tragic occurrence.

And so Norman Scott came into this office, a man who had worked for many years in the operation of the audit office and is a distin-

guished public servant in Ontario, I might say, Mr. Speaker, with Mr. Scott being present under your gallery, he has proven to be independent, he has proven to be capable and loyal; and he certainly has proven to be an efficient auditor, one of whom the Legislature can, indeed, be proud, and one who has served the people of this province and will continue to serve the people of this province, I believe, most well.

Mr. Nixon: That's in place of a raise.

Mr. Breithaupt: Another thing which is going to happen today, which perhaps hasn't happened before, is that this bill dealing with the new Audit Act is going to be sent out of the House to standing committee; but instead of the procedures followed dealing with committees that we have known in the past, this bill is going to go to the public accounts committee. This is the first legislation that committee has had, just as other standing committees are now receiving legislation under this new approach in a way that is new to the operation of the Legislature.

Hon. Mr. McKeough: That's where the last Audit Act went.

Mr. Breithaupt: I wasn't aware of that; I didn't recall that. In any event, we're pleased to see the new Act. We welcome the information that the Treasurer has brought to us, and I'm sure members will be able to comment further in committee.

Mr. Deputy Speaker: Are there any other members wishing to comment on Bill 43? If not, the hon. minister.

Hon. Mr. McKeough: I just want to comment briefly. I think the questions which have been raised will be better answered in committee. I would certainly associate myself with the remarks of the member for Kitchener and his comments about the three auditors with whom we have both served—Messrs. Spence, Groom and Scott. Each has served the province in his own way, and very well indeed. I join in his tribute to those gentlemen.

This is a progressive piece of legislation. I was joking when I said to my friend from Rainy River that the 1971 move was a rather substantial move. The 1971 Audit Act, which I had the privilege of taking through the House, took us out of the dark and misty era of pre-audit and post-audit. Mr. McIntyre, who is also under the gallery, was the controller of accounts at that time. He was very much associated with that Act.

Mr. Nixon: Remember how your predecessors used to defend pre-audit?

Hon. Mr. McKeough: My friend from Kitchener made mention of a vice-chairman of the committee.

Mr. Breithaupt: I think you were chairman of that committee.

Hon. Mr. McKeough: I was chairman of the public accounts committee, as was the former member for Northumberland-Durham, but the member for Kitchener made mention of a vice-chairman of the committee. On more than one occasion, he thought we had made a dreadful mistake by moving from pre-audit to post-audit.

Mr. Nixon: You really miss him.

Hon. Mr. McKeough: I will no doubt hear from him after saying that; I'll leave it at that.

At any rate, I think it is a progressive piece of legislation, a piece of legislation which moves us forward. Although I will put on my curriculum vitae that I'm responsible for the Audit Act of 1977, it is fair to say that its drafting and much of what goes into it has come from the "independent" Auditor of this province, Mr. Scott, as you will learn from discussions with him when the bill does go to public accounts.

It is really a more progressive piece of legislation in several instances than that which has been adopted by Ottawa and passed by the Parliament of Canada. I think it puts us in most areas, slightly ahead in terms of being progressive. I'm trying to avoid the word "left."

Mr. Breithaupt: Progressively conservative.

Mr. Foulds: For you only, progressive is left.

Hon. Mr. McKeough: The legislation depends completely, of course, on the occupant of the job. Whatever we may pass in this House, not to in any way take away from the prerogatives of the House or of this Legislature, it will be, in my judgement, how well or otherwise the Auditor interprets what words we give him to work with that will be the acid test of the new Act.

[4:00]

I could perhaps correct a couple of errors or omissions. The member for London Centre (Mr. Peterson) knows full well—we went through this during consideration of my estimates the other night—that the actuarial liabilities are shown on the province's balance sheet and on the balance sheets of OMERS, public service and other boards. Whether they are done every year, the Pension Benefits Act calls for them to be done every three years and it will be an individual decision of each of those boards as to whether it will be done

more often than that. But that information is there and has been for some time.

I would say to my friend from Sudbury that the Provincial Auditor tells me that Mr. McInnes had based his comments on pre-audit. Well he is only six years out of date. He subsequently apologized to the Auditor for his comments. I haven't seen the report. I look forward to seeing it in committee, but I guess it is a little out of date.

I do want to thank members who have spoken for their support of the bill, and I look forward to it being looked at in some detail in the public accounts committee.

Motion agreed to.

Ordered for standing public accounts committee.

PUBLIC VEHICLES AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 34, An Act to amend the Public Vehicles Act.

Mr. Breithaupt: Does the minister have any particular comments to make, Mr. Speaker?

Hon. Mr. Snow: I made some brief comments at the time of the introduction of this bill. It is quite a simple, straightforward bill, the purpose of which is to exempt dual-purpose vehicles—known more commonly to us, I guess, as vans—while used as car pool or van pool vehicles. It is our proposal in this bill to exempt these vehicles from the regulations of the Public Vehicles Act. The purpose of this is to remove a problem that exists to some degree at the present time for individuals and companies that wish to use this type of vehicle for transportation of commuters to and from their employment on either a co-operative or individual basis. The purpose really is to remove any impediment to or restriction of the use of this type of transportation, because we feel it is very advisable to encourage the use of car pools and the use of this fairly new vehicle, the small van, of which we see so many now, for this type of transportation. It will lead to energy conservation and to a reduction in the number of vehicles on our public highway system. Briefly, that is the background to this bill that I have introduced, which will assist in encouraging the use of this type of vehicle.

Mr. Ruston: Mr. Speaker, I would concur with the aim of this bill. This is something that has caught on to some extent in our area, where the Chrysler Corporation has started car pools with its new modern vans and is using them throughout Detroit and in

the Windsor area. I think there are about 12 in the Windsor area, and some of them are being used already as far as Kingsville, which is about a 30-mile drive each way. There was a write-up in the local paper not long ago which reported that many of the people found a new enjoyment in going to work because a driver was taking on the responsibility and it gave them a chance to relax while they were getting to work. It seems to be an excellent idea, and I certainly would agree with the principle of the bill. I am sure the member for Wentworth North (Mr. Cunningham) will have something more to say on it, but I just wanted to say that in my own area, an automobile centre, we feel very good that a bill like this is here today before us.

Mr. Philip: Thank you, Mr. Speaker. I rise in support of the principle of the bill. It seems reasonable to exempt car and van pools, provided that adequate safeguards are taken and that we are not opening the doors for those who would violate the PCV Act.

The criteria seem reasonable: a seating capacity of not more than 12 persons, none of whom pay more than on a weekly basis; not used by more than one driver nor more than one trip; and the owner does not own more than one vehicle, unless he is an employer.

The first criterion does raise some questions with me. It is a question that I raised with the minister prior to discussing this in the House. Under the Highway Traffic Act, the motor vehicle is defined as including an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only on rails; or a motorized snow vehicle, a motor-assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

This raises the question that, as we see municipalities such as Etobicoke and North York, in terms of their school buses, moving toward very stringent enforcement when it comes to offering tenders to private operators of small vehicles like this, sometimes of 12 seats or less, for transporting children who have learning disabilities or other children that have special needs from one school to another, when these people are enforcing fairly rigid standards on their tenders, what kind of standards can we expect on these vehicles that will be used for transporting as many as 12 people.

The question I would ask of the minister is: can we be assured that at least people who are driving in these vehicles will be required to wear seatbelts in the same way that they are in any other motor vehicle as defined in the Act?

In supporting the bill, I must also express my concern at the introduction of what I would describe as piecemeal legislation in the absence of any identifiable people-transportation policy in this province. I would like to know where the bill fits into the overall people transportation gestalt or picture?

Mr. Speaker, the kind of chaos we are experiencing in the transportation of goods is quickly on the horizon in the area of the transportation of people. We needn't go into the whole problem that has been caused lately with the Greyhound-Gray Coach affair, but it is merely a symbol of the kind of chaos that we could have forecast, and is the same kind of forecast that we could have made—and that we are making—about the transportation of goods.

As a result of the Select Committee on the Highway Transportation of Goods, we can now see some concrete policy and policy directions coming from the minister. In particular we were very happy to see the policy direction in terms of reciprocity. The minister informs me that other bills and policy thrusts will be evident later in this session.

When I see bills like this under consideration, I cannot help but feel perhaps we may need a select committee on people transportation to at least give us some kind of direction as to where we are going with this bill and with other bills, particularly with Bill 35 which we will be looking at in a minute.

I wonder also where we go in a very specific way after this bill. The amount of experiments that are documented at places like the transportation centre in Knoxville have shown that car pooling can be a very effective method of saving both energy and of transporting people, and that it has worked in a number of places in the United States. I would wonder where we go after this bill has passed.

Does the minister intend to back it up with a promotion of any particular model which may have been successful elsewhere? If so, which model can we expect, and what kind of commitment can we expect from the government? It's not just good enough to pass this kind of bill and leave it.

One of the previous speakers talked about the success of the Chrysler experiment and my question would be, what is the minister

going to do to encourage other types of experiments and to put together the kind of evidence that we have coming out of the States and other places as to the way in which these kinds of car pooling systems can be used to reduce traffic and to reduce energy costs.

In conclusion, Mr. Speaker, I would say that we are in agreement with the bill. We would hope that the minister might care to address himself to some of those questions.

Mr. Cunningham: I, too, rise in support of the passage of Bill 34, the intent of which I gather is to exempt the operators of car pool vehicles from provisions specified under the PCV Act.

We in the Liberal Party welcome the initiative taken by government in recognition of both the efforts by corporate entities and as well the collective efforts, I suppose, by individual commuters to minimize the amount of traffic on public roadways during peak periods.

We further lend our support to the suggestion by government that promotional information be released possibly by the Minister of Energy and the Minister of Transportation and Communications with a view to encouraging higher vehicle occupancy rates. The steps we take to deal with the present energy shortage that I know the minister is aware of, will directly, I think, affect our lives and those of future generations.

As a means of providing transportation in urban areas, the automobile certainly has its drawbacks. Most obvious are the demands on limited urban space and the unwanted side effects of noise, pollution and injury. Both city and suburban dwellers however, are very heavily dependent on the private automobile and beyond a certain point conventional public transport fails to provide a practical substitute.

The solution or urban transportation problems, including that of energy conservation, will depend heavily on the public's willingness to participate in seemingly minor efficiencies such as car pooling, the wider implications of these measures being increased public awareness of the need for energy conservation.

Transportation investment alone has not helped resolve the problems of urban congestion, however, and there is strong evidence to suggest that consumer education may be the first step in making the shift from automobile transportation to rapid transit. The cost of building, maintaining and operating transit facilities are growing more rapidly

than available financial resources in most Canadian cities.

Serious consideration should be given, I would think, to an increased role for the commuter in planning and executing certain transit objectives in providing an acceptable level of service.

We recognize the problems inherent in the exemption of car pool vehicles from the licensing requirements specified under the Act, particularly those of liability insurance and vehicle safety standards. The government admits that effective enforcement of such requirements would be difficult and to that end we concur. These problems may be offset however, by an appeal to voluntary adherence to certain common sense precautions provided in the promotional material.

I must associate my remarks with those of the member for Etobicoke, I believe, as they relate to the absence of a policy though, Mr. Speaker. In the past I would say that we have from time to time communicated in this House our collective concern as opposition members about the absence of not only a policy as it relates to the transportation of goods, but also the transportation of people. Certainly the Minister of Transportation and Communications, representing a largely urban riding and one that I suppose has a great constituency of commuters is well aware of the difficulties and traffic congestion on the QEW, in and out of Toronto, and other highways. To that end I think he should be addressing himself not only to a more efficient system of rapid transit, but possibly conveying his ideas and his government's ideas to the Ontario Highway Transport Board to effect and recognize the changing nature of transportation in the province of Ontario.

[4:15]

It wasn't that long ago that I appeared at the Ontario Highway Transport Board—in fact the only occasion I have done so—on behalf of the owner and operator of such a vehicle, a 12-passenger bus. It was his intention to make application to the Highway Transport Board to allow him to carry passengers periodically from the town of Dundas to the city of Toronto for various cultural and sports events. The fact that the individual had to make an application and participate in the intervention process and argue public necessity convenience when obviously his intent was to save his clients and save himself from bringing a large bus down to the city of Toronto indicates in part, I suppose, the lack of policy as it relates to the transportation of people.

In short, I commend the minister for bringing the legislation in and I support it.

Mr. Young: In rising to support the general principle of this bill I would express a couple of concerns; one in connection with the safety of the vehicle. I take it from conversation with the minister that this vehicle will have to conform with all the safety standards set up by the federal government. I hope there is no way that this can be circumvented in the way that the old school buses used to be constructed. That is, a person might buy a chassis and then build a bit of a tin roof over the top of it, put some seats in and he has a vehicle. I take it from the definition given us and by the legislation before us that that just can't happen, that these would have to conform and therefore would be vehicles in which there would be a real safety factor built in.

The matter of seatbelts has already been raised by my colleague. I would like to ask the minister, too, whether or not the mini-buses that have been developed in this province recently would fit in there. I have ridden in those buses but I am not sure how many people they seat. It seems to me that 12-passenger limitation might well fit within these, although I suspect they might be just a bit too expensive for the kind of transportation envisaged here. Although if they are used by different drivers and used for different shifts in a plant I can see that the mini-bus as developed by Ontario might well fit into the pattern here and might provide an outlet for this kind of a vehicle.

Those are the only observations I want to make, Mr. Speaker. I think that all in all if we can get this kind of co-operative endeavour on our highways and cut down on the traffic there then we are getting some place, not only in the cutting down of the number of vehicles on the highway but in conservation of energy in this province.

Mr. Speaker: Does any other member wish to participate in this debate? If not, the hon. minister.

Hon. Mr. Snow: Thank you very much, Mr. Speaker. I am pleased to respond to the points that have been raised by the members opposite. The vehicle that we are dealing with here today, the commonly known van, I believe falls into the category of a utility vehicle. This vehicle, like all other motor vehicles manufactured or imported into Canada, comes under the design criteria and specifications of the Canada Motor Vehicle Safety Act, the federal legislation.

It is my understanding that of course the vehicle has to meet the specifications of that Act, has to have the normal safety and other equipment that would be required on

any other vehicle. If this utility vehicle is purchased as a mini-bus, with the seating arrangement to handle eight or 10 or 12 passengers, then it is my understanding that seatbelts must be installed for all seats.

There is one possible loophole, though, in that it may be from time to time that a person would buy a van type vehicle—although I doubt if this would happen very often—with only the driver and passenger seats in the front and then add seats in the back of the vehicle; in this way the additional seats would not be required to have seatbelts. This is something we will have to monitor. I don't know whether we would have the jurisdiction to require seatbelts in a case like that; this is an after-manufacture modification. But certainly I wish to assure the member that I have questioned this fact that the utility vehicle that will normally be bought for this purpose with the seats installed will have the seatbelts there.

The hon. member for Essex North mentioned the Chrysler experiment at the present time. This we are aware of and this is the type of use that we want to encourage. Once we have this legislation in effect we propose to plan a demonstration pooling project within our own ministry, out of the Downsview office. We have a great number of employees coming to that particular location and quite a number coming from out in the more rural areas that don't necessarily have good public transportation. We haven't worked out exact details on that yet but we propose to have a demonstration project there.

We propose also to do some publicity advising the public of this legislation, because there has been some concern voiced. Some individuals have been operating this type of service for the last couple of years not knowing whether they were legal or not and there have been objections raised by public bus companies to people using these vans. Not so long ago my ministry officials were attempting to charge people doing just this because they were in conflict with the Public Vehicles Act. I might say this bill was introduced last spring and did not get passed, unfortunately, or we could have had it into use sooner.

Mr. Foulds: Yes, too bad the Premier called the election.

Hon. Mr. Snow: Something came along there about the last weeks of April, just about the time that I was going to get the bill up for debate that delayed it a few months unfortunately.

Mr. Foulds: Too bad that election was called. It wasn't necessary; the House could have been sitting and we would have had this stuff.

Hon. Mr. Snow: We intend to advise the public that the legal impediment to using this type of service has been removed and we intend to encourage it. We will also, to the degree possible, be meeting with large employers to encourage them to encourage this type of commuter service to their place of employment.

Mr. Foulds: Is this because dial-a-bus has failed?

Mr. Speaker: Questions are not permitted on second reading.

Hon. Mr. Snow: Mr. Speaker, I can't help it but that interjection on the type of operation we are considering here shows how much the hon. member knows about public transit when he compares dial-a-bus to this type of regular commuter vehicle.

There are changing needs with regard to public transportation. We have made considerable advances over the past 10 years. The hon. member for Wentworth North referred to my own riding of Oakville. I don't think there's a riding anywhere in Ontario that is more involved with the needs of commuters. I look back to May 1967 when the first GO Transit train pulled out of Oakville and I take a look at the statistics today indicating a continuing increase in the number of passengers carried by GO Transit, both by rail and bus. We're continuing to expand that service.

I also look at the great improvements that have been made in communities such as Oakville, Burlington, Brampton, and Mississauga in municipal public transit systems—greatly assisted, I might say, by the policies of this government. Those on the opposite side seem to keep saying that we have no policy in the movement of people.

Mr. Foulds: Toronto and Ontario aren't synonymous. That was certainly a slip of the tongue.

Hon. Mr. Snow: It's very interesting travelling around and meeting people from other jurisdictions. No matter where I go and meet municipal or federal or state representatives in the United States or in other provinces, when I say I'm from Toronto or from Ontario, the first thing you hear from them is what a great transit system we have in Toronto—

Mr. Cunningham: Did they ask about UTDC?

Mr. Foulds: What are you doing for communities in the north?

Hon. Mr. Snow: —and how great they think the GO Transit system is. The GO Transit system we operate here in the Toronto area is well known around the world.

Mr. Cunningham: Did they ask about UTDC?

Hon. Mr. Snow: I have nothing to apologize for on behalf of UTDC at all. I think you will be pleasantly surprised—

Mr. Speaker: That is hardly a principle of this bill.

Mr. Cunningham: I will be amazed.

Hon. Mr. Snow: You will be pleasantly surprised in a very few weeks when you see the new UTDC light rapid transit vehicles on the streets of Toronto.

I'm planning at this time to introduce another bill before the end of this session, an amendment to the Public Vehicles Act, dealing with policy matters. At that time, I expect I will be making a statement at some length on passenger policy as it relates to the busing industry.

I know we've all ridden in these types of vehicles from time to time. Many of the motels and hotels use them as courtesy vehicles from airports in many communities now. Some are more comfortable than others. I know I had the necessity to ride in one just last week—

Mr. Foulds: What happened to your limousine?

Hon. Mr. Snow: —12-passenger vehicle. I just forget the make of it at this time. It was most comfortable and rode well. It was roomy and an ideal vehicle for this type of use. I thank the hon. members for their support for the second reading of this bill.

Motion agreed to.

Ordered for committee of the whole House.

Hon. Mr. Snow: I didn't feel it was necessary to go to committee but if the hon. members do, it will be committee of the whole House then.

[4:30]

AIRPORTS AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 35, An Act to amend the Airports Act.

Mr. Cunningham: We on this side will be supporting this legislation. Certainly during the next election, I hope that it is remembered how co-operative we are.

Mr. Swart: It will be by the public.

Mr. Cunningham: I see in the bill that it enables the province to co-operate with the

federal government, a municipality, a corporation or an individual with regard to the establishment of airports. I think that makes sense, although I question the necessity to establish any more airports in the province at this time. I'm wondering if the minister would indicate to me just what airports he's contemplating, specifically—possibly Mount Hope in my area, or Pickering—and where these airports are being contemplated and why at this time, if that is the intention of this legislation.

Mr. Philip: We have some apprehensions about what we consider to be rather large blanket, enabling legislation, which this is. We can see certain influential people in certain communities lobbying for airports on grounds that the provincial government will now pick up a larger share of the cost. I think that this bill should go into committee to answer some questions about where the government is going, in terms of this kind of people transportation mode. A number of our members have a number of specific questions concerning the powers that the government is assigning to itself with this bill and what it intends to do with them.

While we can find nothing specific in the bill that we wish to oppose, we would like it to go to committee so that the minister might be able to answer some questions.

Ms. Bryden: This amendment to the Airports Act appears to broaden the present Act in several senses. It includes authorizing the government to undertake construction of airports, as opposed to simply acquiring, leasing, operating, maintaining, extending, and so on. I think this is a fairly significant change and could indicate a fairly significant policy plan to get into the airport business on a much wider scale, but we can't tell from this bill and therefore we hope that in committee we will get more information as to why this particular extension is required.

It also authorizes the government to set apart a part of an airport for a limited use. The intent of that section is not very clear.

It also allows the government to lease part of an airport for a limited use. I'm wondering whether this is tied to the proposal to set up a STOL network operating out of Toronto Island Airport. I wonder, too, whether the government is contemplating leasing a part of that airport for a STOL network, leasing it from the federal government which is the present owner—I think it's the present owner, unless it's the Harbour Commission.

These are some of the questions that we would like to know about. What are the plans in regard to this?

In addition, the bill allows for the extension of the subsidization power of the government, not just to subsidize the acquisition of airports and their extension and operation and maintenance, but to subsidize any matters in an agreement about airports. Again, we would like to know the intent of this particular broadening of the words. What kind of additional subsidies not already provided for in the present airports legislation are contemplated?

Particularly, I noticed that under the previous Act as well as under this subsidization of corporations is allowed. We always seem ready to provide a welfare state for corporations but when it comes to providing money for handicapped persons to allow them to become mobile or to allow them to be able to take jobs, or children with learning disabilities, we can't seem to find the money. But this bill certainly allows for the government to subsidize private corporations. Presumably it could subsidize private air carriers, and yet the bill does not tell us what the plans of the government are in this sense.

If the purse-strings are going to be opened for these kinds of handouts to private industry, we would like to have an opportunity for such subsidies to be brought before the Legislature, subsidy by subsidy, so that we could vote on each one individually rather than just a lump sum being put in the estimates for the ministry which could be used for subsidization for any group that is contemplated in the legislation.

We think there is a need for subsidization of municipally operated airports, particularly in the north country where air transportation is very vital to some communities there, but we want to know what other kinds of subsidies are contemplated in this bill.

As my colleague mentioned, we feel that this sort of piecemeal legislation that is being brought in—the previous bill, this bill and the one on TATO—indicates a piecemeal approach to our transportation policy. We have never had an overall transportation policy from this government which indicates how the various modes fit into each other and what modes we think we should put stress on when we start to think about energy conservation and the ecological effects of transportation or whether trips of less than 500 miles in southern Ontario should be in the air at all, when you consider the amount of energy that aircraft use as well as the noise factor of airports and other ecological disadvantages.

We're still looking for an overall transportation policy rather than amendments to pieces of legislation. I hope that the min-

ister will not think that these pieces of legislation are the answer to the transportation policy which we need for both northern and southern Ontario and which should be adapted to the needs of those regions.

One important reason for this going to committee is that if the development of a STOL network is contemplated under this legislation, it would give us an opportunity to find out from the minister something more about the government's plans in this area. Up until now, there has been no statement from the government on its policy for a STOL network. It has produced a book which contained no specific recommendations. It has participated in the intergovernmental staff forum of various levels of government to look at the future uses of the Toronto Island Airport, which included the possibility of a STOL network. But, up until now, the government has not revealed its position at all on the possibility of a STOL network for southern Ontario. Nor has it really studied the alternatives to a STOL network for southern Ontario, although various alternatives are developing, such as in the TATO area, which we will be dealing with later.

Certainly one thing that people will want to know, if a STOL network is considered under this legislation, is how much will be required to subsidize it, both in terms of new airport facilities which will be needed in southern Ontario and in terms of subsidies for the carriers. I think we want to know whether these subsidies are being contemplated simply perhaps to save a few minutes for businessmen and senior civil servants travelling between cities in southern Ontario or whether that sort of money should be reserved for some of the more urgent needs of our province which are being denied at the present time. I mentioned money for children with learning disabilities and for increasing our very low public assistance rates to people who are unable to work.

I think we also want to know from the minister if his ministry is considering the ecological costs of each project that it plans to subsidize or fund under this bill. We cannot ignore the effects of transportation on our environment.

One thing that also disturbs me in the bill is the provision for leasing for periods longer than 21 years. It seems to me that 21 years should be the limit of any lease arrangement. I wonder why that provision is put in. Is there any good reason for contemplating a lease of over 21 years?

In conclusion, I would say I hope the minister will give us a statement on what his government's plans are in regard to air trans-

portation for both northern and southern Ontario and, particularly, respond to some of the concerns that were expressed about the STOL possibilities in the long series of public hearings which were held in the Toronto area by this intergovernmental staff forum on the Toronto Island airport. These hearings indicated there is great public concern over the results of a possible STOL network for southern Ontario. I think the consensus of those hearings was that Toronto Island airport should be left to its present uses and that a STOL network was not really needed in southern Ontario.

It may be the answer to some of the problems of northern Ontario. The Dash 7 plane may be a useful plane for certain uses in this province and in this country, but the consensus of those hearings, I think, was that it was not the answer to southern Ontario's transportation problems. At any rate, these are some of the questions we would hope the minister would deal with when the bill is in committee.

Mr. Foulds: There are a number of points I would like to raise on the second reading debate on principle because I too have some sense of unease about the bill. As I look at the legislation that is in front of us and see the legislation that it is basically replacing—because in effect the minister is gutting the Airports Act of 1971 and replacing it with this one—the question that leaps immediately to mind is why is this trip necessary? Why is this Act necessary at all? It would appear to a layman like myself—I am not a lawyer and I am not a transportation expert—on reading the original Act that was passed in 1970 that that would be sufficient for the government's present purposes.

It strikes me that the provincial government may very well be getting into the airport business in a wholesale way. That is probably necessary in certain sections of the north, particularly for towns such as Manitouwadge, Geraldton and so on where the federal government has shamelessly abdicated its responsibility to provide those people with adequate plane service. If that is the purpose of the province taking an initiative, then I am wholeheartedly in support of it. However, the minister has failed to outline that to us on second reading and I think that he could understand why our questions arise.

Hon. Mr. Snow: With every respect, I didn't get a chance. The member for Wentworth North was on his feet before I got a chance to make my opening remarks.

[4:45]

Mr. Foulds: That obviously was an error in judgement on the part of the Chair in failing to see that the minister was assisted to his feet quickly enough so that he could make his opening remarks.

If I recall the genealogy of the legislation, it is rather significant that the provincial government didn't really think it necessary to get into the business of legislating with regard to airports until 1970. I wouldn't be surprised if that didn't have something to do with the push of a former cabinet minister of the Ontario government who is now in the federal House—one Allan Lawrence, who was briefly the minister of northern affairs—and the public relations program that the Ontario government conducted in 1969-70 having to do with what it called its highways-in-the-sky program.

Only within the last two or three years has that program begun to get off the ground, if I may mash or mix a metaphor. I would certainly like to know, in some detail, what benefit the extension of the legislation, as it is outlined, will add to that program. Because I don't really see that as being necessary from the original Act.

It would also seem to me that the province is in some subtle and fundamentally constitutional way edging itself towards some kind of confrontation with the federal government. It would appear that both jurisdictions will be getting into the business of air transport. Obviously, up until 1970 this province did not see that as being necessary. As I say, the federal government does seem to have abdicated its responsibility in providing that kind of service in the northern part of this province, and hopefully this will be the Act that the government will use to develop that program.

The important question that the minister must answer for me when we get to committee stage is whether section 5 of the old Act still applies. I assume that it does; I think it is the only section of the old Act that is still intact. I would certainly want a clear and unequivocal statement to that effect.

Because it is worrying that in the present Act it would appear that the minister has much wider powers though the Lieutenant Governor in Council to dole out the patronage. It has been, unfortunately, the history of the precursor of this ministry—the Ministry of Highways—that it was fondly known around the province in many towns, communities and hamlets, as the ministry of patronage. I would certainly hate to see that happen under the present incumbent and in its present incarnation.

Mr. Nixon: That was back in the 1930s.

Mr. Foulds: I would certainly hate to see an extension of that, if the government is getting into the airport business.

I would also certainly like far clearer indication of the kinds of relationships that the minister sees between government and the private sector with regard to leasing and responsibilities there. The arrangements that the present minister's former ministry, Government Services, had in some of its leaseback arrangements haven't been all that happy and successful.

Hon. Mr. Snow: These leases go the other way.

Mr. Foulds: If he bungled it in one ministry going one way, it's perfectly conceivable that he would bungle it in this ministry going the other way. I would certainly like some iron-clad assurances in that regard.

Hon. Mr. Snow: Nothing was bungled.

Mr. Foulds: Finally, I think that our party reserves the right to vote against the bill on third reading if we do not get satisfactory explanations or amendments in committee stage. Thank you, Mr. Speaker.

Mr. Deputy Speaker: Are there any other members who wish to speak to this bill? If not, the hon. minister.

Mr. Cunningham: We're going to give you double time.

Hon. Mr. Snow: I regret that I did not get an opportunity, and I didn't want to interrupt the hon. member for Wentworth North when he got started in his remarks. I think I could have clarified a lot of the points if I'd have had a moment before second reading.

The hon. member for Wentworth North says that in his mind there is no need for additional airports in Ontario. I've just got to say that's the greatest example of a transportation critic in the Liberal Party not knowing what he's talking about that I—

Mr. Cunningham: You build airports all over the place.

Hon. Mr. Snow: —that I've ever seen. Because, and I'm sure if the Speaker himself, the hon. member for Lake Nipigon (Mr. Stokes), and my colleague, the hon. member for Cochrane North (Mr. Brunelle), were here that they and other northern members would agree on the importance of this policy of the government, that was implemented back in the late 1960s. I think the first Act was passed about 1968, if I recall. The member for Port Arthur said 1970. I recall this Act coming in the year after I was elected in 1968.

Since that time, great improvements have been made in transportation in northern Ontario. I well remember that Act because when the Act was first drafted, I believe it was called the Northern Ontario Airport Development Act. I had something to do at that time with having it changed to the Ontario Airport Development Act or just the Airport Development Act.

In those past eight to 10 years, great improvements have been made in northern Ontario. First might I say that the policy of the government and the ministry is to construct and assist in the construction of airports in northern Ontario. That was the policy up until about a year ago.

About a year ago it was decided that if there was a good cause, for industrial purposes or for transportation purposes, that the Act or the policy could be expanded to assist with development of municipal airports in eastern Ontario as well. The policy of the government at this time is not to involve itself financially either capital-wise or maintenance-wise of any airport in southern Ontario.

In those past 10 years there has been quite a number of airports. I guess most are in the ridings of the members for Cochrane North, Lake Nipigon, and Kenora (Mr. Bernier). I have visited quite a number of those airports myself. We have several under construction right now. I happened to open the one in Fort Hope last year and visited Red Lake—another one that we built. We have also constructed airports at Attawapiskat, Round Lake, Big Trout Lake, Sandy Lake, Fort Severn, Fort Albany, Moosonee, Kashechewan.

Mr. Cunningham: Did you take your fishing rod?

Hon. Mr. Snow: About 10, I think it is, of those remote airports have been developed in northern Ontario. Those were built totally by the ministry and maintained totally by the ministry using native help from the reserves.

When the airport is constructed, it's basically constructed by the natives with the equipment that we send in. When the airport is completed, we employ two natives, one as airport manager and one as assistant airport manager, to operate that equipment and maintain the airport.

Some of these are more remote than others. Pickle Lake is another one of our airports. It's not a remote airport; there's a road to Pickle Lake, but it's still pretty necessary to have an airport there. In fact this year we're paving that airport to upgrade the facility. When we have the paving

contractor in the area doing the road, we're putting a coat of asphalt on the runway.

About 10 or 12 of those airports have been built—we have been building one or two per year—and although my ministry is still responsible for building and maintaining them, the Minister of Northern Affairs is working with the establishment of the priorities.

The hon. member for Wentworth North says we don't need any more airports. I have a list of agreements from Treaty No. 9 and Treaty No. 3 native communities, for 12 more airstrips to be developed at their communities. That is under the remote airport program, which is funded 100 per cent provincially. In addition to that, my predecessors established a policy of assisting municipalities in the construction of municipal airports. Right now there is one going in at Hornepayne and one at Hearst is in the planning.

Mr. Foulds: See how easy it is, Rene? If he doesn't know you tell him. You get it sooner.

Hon. Mr. Snow: There is one at Geraldton under construction. We built one at Fort Frances and at Atikokan.

Mr. Cunningham: How about Hudson?

Hon. Mr. Snow: I don't believe Hudson has one. I think Sioux Lookout has. These are municipal airports where the ministry has, in the previous legislation, had the authority to subsidize municipalities to assist in the construction of airports.

Cochrane is another one. This last year we gave a subsidy to Iroquois Falls, I believe it was, for the paving of their municipal airport. Kirkland Lake was another municipal airport that was constructed.

Up until this time, most of those airports are connected with the norOntair system. Not all, but most. Geraldton, when it is completed, will be a larger airport than we normally build. We are putting in a 5,000-foot runway there to allow the Speaker to get up and down into his riding.

Mr. Foulds: It's still 200 miles away.

Hon. Mr. Snow: It will also serve as a water bomber base for Natural Resources. That is why instead of a 3,000- or 3,500-foot runway we have gone to 5,000 feet, I believe.

We are negotiating with the federal government to take over the airport at Armstrong. It was going to abandon it and let it go to pot. I say, when we are building new airports why let an existing one go to pot? So we are negotiating now to take over that airport so that it can be maintained. It has a decent runway and with a little maintenance it can be used as another air base for Natural Re-

sources. My colleague the Minister of Health (Mr. Timbrell) also has some interest in maintaining an airport at Armstrong for health purposes—getting people out to Thunder Bay hospitals and so on. That is our municipal airport program.

One of the main reasons for this bill is that many of these municipalities, although they have our subsidy to help build the airport and to help make improvements to it, or to put in a small terminal ramp area, did not get any money for maintenance. The municipalities—Wawa is another one—have approached the ministry asking for some assistance for maintenance in maintaining the airport. I have no authority under the legislation to give a subsidy for maintenance. According to the legislative counsel and the Provincial Auditor we cannot do so.

I announced earlier this year a program under which we were going to give subsidies for maintenance of municipal airports. There are two levels: up to \$10,000 a year subsidy for municipal airports where there is no scheduled service; and up to \$25,000 a year for municipal airports where there is a scheduled service, which are basically the ones that serve norOntair or some of the other smaller scheduled operators.

That is the major purpose of this bill, to allow the ministry to pay a subsidy to the municipality to maintain the airport, an integral part of its transportation system, the same as we pay the municipality a subsidy to maintain its roads system.

[5:00]

The second main purpose of the bill is that we have certain situations on ministry airports. In the municipal airport, the airport is owned by the municipality. For instance Pickle Lake is a ministry owned airport. Perhaps there are other similar ones where a private operator will want to establish some facility. Perhaps a small flying service, a charter operator, or bush operator, will want to build a small hangar to maintain his aircraft and to operate out of, and the obvious place to put a hangar for an airplane is on an airport. We own the land. Under the present bill all these things weren't foreseen by my predecessors and there's no provision for us to lease airport land to an operator.

If you go out to Malton airport you'll see Field Aviation, Sky Charter, Skyport, Leavens Brothers, Millard Air, even Air Canada, CP Air—all of their hangars are built on federal government airport land, land that those operators have leased from Transport Canada. The intention of the lease provision in this bill is to allow us, for instance in a municipi-

pality like Pickle Lake, to lease an acre of land to an operator in the area either to build a hangar or put in fuelling facilities, if there are none there, to sell fuel to serve the community. Of course, if there was need, it would also provide for leasing of land for a restaurant or some other facility to serve the public on the airport.

The hon. member for Beaches-Woodbine posed many questions. The lease—I think I have explained that. About the STOL island airport, I assure the hon. member that as far as the government of Ontario is concerned we do not have any plans to get into the operation of any air service in southern Ontario.

Since the meeting with the island airport committee last May, when Mr. Lang and myself attended the windup of their public hearings, I have not heard anything further from Mr. Lang. He has said that he wanted time to study and so on. I have not had any conversations with him pertaining to Toronto Island Airport or what his plans may be. But I assure you that we as the Ontario government have no plans to get financially or otherwise involved in the implementation of a STOL service in southern Ontario.

In fact our airport policy does not allow us, at this time at least, to make any grants for either construction or maintenance of an airport in southern Ontario. That's government policy at this time. We have no intent under this Act to get involved in the subsidy of any air operation. We do subsidize, through the Ministry of Northern Affairs and through the Ontario Northland transportation system, the norOntair air service. Here the contracts are let for the operating of seven Twin Otter aircraft serving some 16 communities. This will be expanded, I believe, in the next year to probably 18 or 20 communities that will be served with those aircraft, and there is a subsidy of \$1 million a year or so. At least there's about \$1 million, as I recall, shortfall of revenue to operating costs.

But the way norOntair has grown there are some routes of the norOntair service that are now almost to the break-even point over the past year. The member was critical for our "piecemeal" approach in bringing in three different bills. I don't know how I can amend three different Acts without bringing in three different bills. If she can tell me I'll be happy to put them all together.

The member referred to a study of other types of transportation. As I announced in this House almost two years ago now, we entered into an agreement with the federal Minister of Transport for the federal-provincial central Ontario passenger transporta-

tion study. This has been under way for close to two years now; it was supposed to be completed at the end of December of this year. The most recent report I have, mainly from the federal parties that are involved in it, is that the report will probably not be ready until about the end of the first quarter of 1978.

That study is looking at all types of passenger transportation in southern Ontario—air, rail, bus, automobile and so on. There is a considerable amount of work going on and needless to say, we're very interested. We think the route—and this has nothing to do with this bill—within Canada that has the most possibilities of supplying a good rail transportation service, where there is high density and short distances, is the Toronto-to-Windsor segment of the Quebec City-to-Windsor corridor.

Mr. Davidson: With a stop in Cambridge.

Hon. Mr. Snow: As I'm sure all hon. members know, we have been waiting for some years now, periodically hearing federal announcements about upgrading rail service and calling for tenders for trains, which was about a year ago now and still no contract has been awarded; nor has there been any announcement of any work being done on that corridor. If there's any corridor in Canada that could support an improved rail service, that's the one.

I share to some degree the frustrations of some of the members opposite in seeing improved rail transportation brought about.

I think I have answered most of the questions of the hon. member for Port Arthur. He was concerned about why we need this Act. There are two main reasons: to allow us to lease land and to allow us to pay maintenance subsidies.

If all of the hon. members' questions aren't answered and they still want to go to committee, we'll go to committee.

Mr. Foulds: Yes, there are just one or two questions.

Motion agreed to.

Ordered for committee of the whole House.

TORONTO AREA TRANSIT OPERATING AUTHORITY AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 44, An Act to amend the Toronto Area Transit Operating Authority Act.

Hon. Mr. Snow: This bill is very self-explanatory, Mr. Speaker. When the Toronto Area Transit Operating Authority was established a number of years ago, at that time it was made up of the municipality of Metro-

politan Toronto and the regional municipalities of Peel and York. In addition to that, at that time the bill provided for the regional chairmen from Halton and Hamilton-Wentworth to sit on the board in an advisory, non-voting capacity. At that time, the region of Durham did not wish to be a part of the TATO organization.

Since that time, of course, the TATO operations of GO Transit bus and rail have expanded considerably. The advice and participation of the regional chairmen from Hamilton-Wentworth and from Halton have been most helpful. All three of these regional municipalities have passed resolutions and forwarded them to me asking that their representatives become full members on the board of TATO, and this Act implements those requests.

There are some other minor matters involved. One is that it legalizes something that has been going on anyway for some period of time, and that is the carriage of parcel freight on the buses that TATO operates. As hon. members may or may not be aware, many of the TATO bus routes were former Gray Coach routes. Those routes supply a parcel express service to the communities they go through. TATO has maintained to supply this parcel express service that a bus normally supplies. But it has been brought to our attention that the Act doesn't specifically provide for TATO to carry parcel freight. That's covered in this bill.

Mr. Cunningham: I appreciate the house-keeping nature of the bill. As I see it, it expands TATO's area over Durham, which I gather now from the minister's remarks is pleased to participate in TATO. As well, he will get advice, I suppose, from the regional chairmen of Halton and Hamilton-Wentworth. My only concern there is that there is a lack of political accountability by those individuals and the addition by an appointment by the Lieutenant Governor in Council certainly won't assist in the accountability aspect of the advisory board here. But that's not the function of this particular piece of legislation.

I'd like to indicate to the minister that I'm concerned about section 4 of this bill.

Hon. Mr. Snow: In due respect, those regional chairmen are now elected by their regional councils.

Mr. Cunningham: That in no way makes them necessarily politically accountable to the individual constituents. If the hon. minister is harbouring illusions that that amounts to accountability, then so be it. He hasn't been accountable for a while himself.

I am concerned, and I'd like the minister to appreciate this, about section 4 of this bill. While I can appreciate that it's been the habit, albeit illegal, for some of these buses to participate in a form of parcel express, I'm not entirely certain that that should be, at least from a policy point of view, a function of TATO. I find some ideological inconsistencies there as it relates to the remarks by the Treasurer of the province, remarks that I must say I associate myself with from time to time as they relate to private enterprise.

I find the government getting involved here in an area that at least it would indicate to me is well served by the private sector, specifically people who are involved in the cartage of goods—the myriad of various cartage companies and transportation companies that must apply to the Ontario Highway Transport Board for a certificate of public necessity or convenience. I'm sure the minister has probably, at least indirectly, been given some pressure by the various people involved in the United Parcel application which seems to be quite a contentious matter before the Ontario Highway Transport Board. I'm sure he's well aware of the great extent and the number of various companies that serve us, at least in the private sector. I'm not entirely sure that this is an area where government involvement would be to the advantage of the people of the province of Ontario.

At the same time, I'm concerned that TATO wouldn't have to go to the Ontario Highway Transport Board for such a certificate. I'm also concerned about increasing the scope of TATO at this time in the absence of an express policy on the transportation of not only goods but, more specifically, people. It's obvious to members on this side of the House that there really is no policy in this particular ministry with regard to the transportation either of goods or people. The Greyhound-Gray Coach fiasco that we saw last year is certainly but one example of this. Again, the current dilemma that people are facing as it relates to increased transit fares in the city of Toronto further demonstrates this lack of a comprehensive transportation system.

I never cease to be amazed at the great progress that we hear verbally at least about the improvement of GO facilities. They usually are immediately followed by an election. For the last two elections we've heard nothing but the great things that are going to happen in the area of the city of Hamilton and surrounding districts with regard to the expansion of GO facilities. I want to tell the minister at this time that I don't think they're particularly impressive and certainly come no-

where near the nature and the scope of the promises made before elections.

Mr. Philip: I see this primarily as a house-keeping bill. I think that it's self-explanatory. As the minister stated, the three municipalities that are chiefly involved or are being involved as a result of this bill have requested it. It was a change in the attitude that they previously held.

[5:15]

I share with the member for Wentworth North some of the concerns about accountability under this system. I am concerned about section 4, but in a different subsection than the member for Wentworth North, the first subsection. I am wondering what the implications are to Gray Coach Lines as a result of this, and I would suggest that possibly by going to committee we may be able to look at some of these questions.

Ms. Bryden: I have one or two questions that I would like the minister to clarify on this bill, particularly that section which gives them power to operate transit services within a regional area at the request of and under an agreement with the council of the regional area. This is in areas where the TATOA is operating an inter-regional route or an inter-regional transit service.

Does this new power which is added by this amendment give TATOA the power to operate, for example, the TTC? Does it give it the power to operate any other municipal transportation service, and if it does, under what terms are we contemplating that TATOA could enter into this? Would the objective be to provide a sort of integrated service within as well as between municipalities, or would it be to possibly bring all public transit in this area under one operating authority?

I am also concerned about the addition of the section that provides that the fares for such services would be established by agreement. Presumably this would be an agreement between the municipality and TATOA, but it seems to me that all public charges of this sort should be subject to some sort of review, some sort of public input on the rates, and on the extent to which the operating costs would be paid by the riders and the extent to which they would be paid for out of general taxation, either provincial or municipal.

We now require that hydro rates be reviewed and I think it would be legitimate to request that transit fares should also be reviewed. At the moment, as everybody in the Toronto area knows there is a discussion of what percentage of the transit costs should

be carried by the riders of the TTC, and the province has intervened in this dispute by promising its grants to the TTC this year on the insistence that the riders in the Toronto area must pay 70 per cent of the cost of operating the TTC.

I am not going to argue whether 70 per cent is the right or wrong figure. I think it's a figure that should be determined by the local municipality, particularly when the local municipality is operating the service, and the province should be expected to contribute to public transit in local municipalities as it has made it a policy in the past because it saves expenditures on roads and it promotes the use of public transit, which is environmentally a good thing and also saves energy. I think the province should determine what percentage of subsidy it will give to municipal transit operations, independently of the amount which the municipality then decides to charge to the riders.

This year the province had agreed to carry 15 per cent of the operating costs of the TTC—

Hon. Mr. Snow: Thirteen and three quarters per cent.

Ms. Bryden: I was just at a meeting of the Metro executive committee where they were praising the minister for having raised it from 13.9 to 15 per cent this year. There had been some negotiations, I understand. Perhaps you haven't been as generous as I thought you were. But I would think 15 per cent is hardly adequate when you consider that encouraging people to use the TTC in the Toronto area is one of the highest priority items we should have, in this very congested area. Especially so if we want to cut down on traffic congestion, wasted energy, and the pollution that occurs from excessive use of the automobile in these highly concentrated population areas.

At any rate, I would like the minister to comment on the premise that he is telling the municipality of Metropolitan Toronto what percentage they should charge to the riders before he is willing to subsidize them at all. Or maybe before he is willing to make this increase, I am not sure at what stage this requirement was imposed, but they seemed to be quite convinced that it had been imposed.

Those are some of the questions that I hope the minister would deal with. As to what is the meaning of this extension to section 6—which is under section 4 of the Act—regarding the operating of transit services within a regional area, and whether he would contemplate an amendment which would allow for the review of the fare schedules, the fare

tariffs, that are to be set in any operation that TATO A takes on.

We all know that GO Transit is heavily subsidized, but I think we would like to know to what extent and have some public input as to whether the subsidies should be increased or decreased—at least what the policy is behind the subsidies.

Mr. Ashe: I will try to confine my remarks to Bill 44, to do with TATO A. I am not quite sure what the TTC has to do with it, but I will try to maintain my remarks in that context.

I rise in support of Bill 44, particularly on two aspects of it that I can speak very specifically and knowledgeably about, as it affects my riding of Durham West.

The first one is the inclusion of Durham into the expanded area that is recognized in the TATO A jurisdiction. This has been something that we have been trying to accomplish out in that area for many, many years. Unfortunately, many of the regional councillors failed to recognize the reality that in fact TATO A was operating within the confines of Durham region, and it was much better to have some voice in its operation than to criticize it from afar.

I appreciate that it is always easier to criticize something when you are not a part of it, so maybe that's why it went down the drain from time to time. The previous concern of some of the elected people in Durham in the past was the provision that called for the seating of the regional chairman as the representative on TATO A board by the particular region. Again, there was some concern expressed from time to time by some representatives that that person did not represent an elected voice and therefore should not be seated. This was overcome by the election of the regional chairman in Durham, as in most other regions, earlier this year.

It was that particular instance along with the realities of the situation that finally prompted, in my opinion, the correct decision of Durham to petition the minister to be included in an expanded bill, which is now before us, known as Bill 44.

I think this is something that has been long overdue, and I am pleased to see that Durham is now in it.

Secondly, in the portion of the bill that speaks to the parcel service that is provided by TATO A and, in effect, shall we say, legalizing it, I can say that out in my area, where for economy reasons there was going to be a reduction in the hours of service provided by one of the TATO A stations for the pick-up and delivery of parcels, I had a great hue and cry from within that municipality

as to how useful that service was and how it could not be provided by alternative services at any reasonable price and at any reasonable level of service.

Upon negotiation we were able to get a somewhat expanded service compared to what the cutback was going to be. It is a recognized area of service that can logically be provided, it is well appreciated by the users and I don't think is infringing in any way upon the private sector. As a matter of fact, in many instances it seems to complement the private sector. I support Bill 44 in its entirety.

Mr. Speaker: The motion is for second reading of Bill 44.

Hon. Mr. Snow: Do you want me to respond?

Mr. Speaker: Yes, by all means.

Hon. Mr. Snow: Mr. Speaker, you cut me off before I got started on the other bill and before I got stopped on this one.

Mr. Foulds: You are slow on your feet.

Hon. Mr. Snow: My remarks will be brief, Mr. Speaker. The hon. member for Hamilton-Wentworth is concerned about the private sector and the cartage of goods by buses. The hon. member for Etobicoke was concerned about what effect this would have on Gray Coach.

First of all, it will have no effect on Gray Coach because Gray Coach does not operate on the same routes that TATO A does.

Mr. Nixon: You haven't got many of those routes left.

Hon. Mr. Snow: Secondly, I would like to say that it has been a tradition that the public expects a parcel service to be carried by the bus that's operating through the area. Our TATO A buses, for instance, cover from Toronto out through Brampton, Georgetown, Acton, to Guelph. There are no other buses running on that particular route and the people who require a parcel service to Guelph expect it to be supplied by TATO A. TATO A is not in the business of promoting parcel service but is carrying on a tradition that the public expects, as has been explained by my colleague, the hon. member for Durham West.

I regret the point brought up by the hon. member for Beaches-Woodbine at some length. Perhaps if I had given a more detailed explanation at the beginning—there is one area of the bill, sections 5 and 6 that I did not explain in my opening remarks.

Section 5 provides for the leasing of transit vehicles owned by the authority with drivers for any purpose related to objects or powers

of the authority. This minor amendment allows for the use of GO Transit vehicles that are basically used mostly in the rush hours for commuter services during the off-peak hours. This would allow arrangements where GO buses could be leased to a municipal transit service for use in the off-peak hours if they are needed.

Section 6 provides for the authority to enter into an agreement with the council of that regional area or with the council of an area municipality within the regional area, and that the tariff of fares of the service shall be established by the agreement.

The reason for that amendment is, for instance, on the Yonge Street corridor where we have, I guess it's the town of Markham—Markham Transit operating within the municipal bounds of the town of Markham, and we have GO Transit providing service on the Yonge Street corridor. Invariably, we have a GO Transit bus and a Markham Transit bus going end to end up the street, which is not a very efficient way of running transit. So on an experimental basis, TATO has entered into an agreement with Markham Transit where TATO will supply the local service on that particular route so that there's no duplication of buses.

[5:30]

TATO accepts the normal fare that Markham Transit would charge. TATO charges certain operating costs of supplying that service to Markham Transit which puts that in as part of its cost of transit and applies for subsidy on it as part of their operating costs, as far as our provincial subsidy is concerned, for Markham Transit.

That is why we have put in this amendment to allow for that type of service agreement, which has been put in as an experiment and which is working very well. This will allow us to formalize that agreement and enter into similar agreements in other municipalities where there is a need to do so because of that duplication of service and where there will be efficiencies and lower costs for the taxpayers, whether they be municipal or provincial taxpayers.

I am sure in a few weeks when we get to my estimates the hon. member and I will have great opportunities to discuss the TTC fare policy. I don't think it is part of the principle of this bill, so I won't respond to her remarks on that issue.

Motion agreed to.

Ordered for committee of the whole House.

PUBLIC VEHICLES AMENDMENT ACT

House in committee on Bill 34, An Act to amend the Public Vehicles Act.

Mr. Deputy Chairman: Any questions or comments?

Mr. Philip: Yes, Mr. Chairman.

Mr. Deputy Chairman: On which clause?

Mr. Philip: On the minister's answers to a previous question, Mr. Chairman.

Mr. Deputy Chairman: Which section of the bill are you talking about?

Mr. Philip: I don't know. I don't have the bill down here.

Hon. Mr. Snow: There is only one section.

Mr. Philip: I am sure that the minister will recognize which section I am talking about.

Mr. Cunningham: If you start talking about it, he will recognize it.

On section 1:

Mr. Philip: In the minister's remarks about the possible expansion of the system through the experimental project and through various forms of public education and so forth, does the minister not foresee that as this kind of system increases, so too does the possibility or the probability of gipsy-type operations? I wonder if the minister would tell us of any precautions he is taking to ensure proper enforcement will be carried out so that we don't have a duplication of the kind of gipsy system that we have seen over the years in the trucking industry?

Hon. Mr. Snow: I am not that concerned really with regard to gipsy systems. If we are talking about commuters who are presently using a car pool, I don't think you have any gipsies in car pools that I know of. A car has always been considered exempt by the Highway Transport Board. If you want to take three or four of your neighbours to work with you that has been an accepted practice as long as I can remember.

We have taken the alternative route to what we have done in the past. The bill exempts van pools. If someone starts running a bus business, using one of these vans, and charging individual fares then that operator is not within the terms of reference of this exemption. Obviously, we would find out about that and that person could then be prosecuted for running a bus service without a public vehicle's licence.

Mr. Cunningham: The question is how.

Hon. Mr. Snow: As long as he operates under the manner of this exemption, he is exempt from the Act and from any inspection.

Mr. Young: On section 1, clause 1(aa), in the description of the vehicle, I asked the minister before in connection with the vehicle that has been developed by the organization headed by Mr. Foley here in Ontario, as to whether that vehicle would qualify under this section of the Act. I've forgotten how many seats—the minister didn't answer my question—but I just wanted to get that clear. I was rather interested to know whether or not that would fit into this scheme of things.

Hon. Mr. Snow: I don't believe it would. I can't tell you either—I'm sorry, there are 17 seats in that small transit bus so it would not fall within this exemption. I don't think unless it were a very deluxe service that it would be practical in any case. The cost of that type of a vehicle—a diesel-powered, heavy vehicle meant for public transportation use—I am sure would be above the budget of most people who would want to operate this type of van.

Section 1 agreed to.

Sections 2 and 3 agreed to.

Bill 34 reported.

AIRPORTS AMENDMENT ACT

House in committee on Bill 35, An Act to amend the Airports Act.

Mr. Deputy Chairman: Are there any comments, questions or amendments on Bill 35?

Section 1 agreed to.

On section 2.

Mr. Foulds: The minister didn't entirely clarify to my satisfaction the reason why he has to add the words in line six of subsection 1, "construction, operation or maintenance of airports" to the previous Act. I really don't see why that is necessary when you may already enter into an agreement, in the former Act, "with respect to any matter in relation to establishment, extension, improvement or maintenance of airports."

In other words, the main argument the minister made is that he had to expand his powers with this section in order to subsidize municipalities for the maintenance of airports. That's a laudable aim, particularly in the northern communities that he mentioned. But I don't understand why he needs the extension of the authority as it is outlined in section 2(1).

I also would like to find out from the minister why he needed the addition of the last two and a half lines "the Lieutenant Governor in Council may provide funds to the municipality, corporation or individual for such purposes." In other words, during the

second readings the minister indicated that his officials told him that he could not supply funds to municipalities for maintenance and operational costs of airports. I want to know what this wording does that the wording in the original Act does not do.

Hon. Mr. Snow: If you want a legal terminology I guess we'll have to try and get you one. But I am advised by the solicitors of my ministry, who are very competent people, by the legislative counsel and by the Provincial Auditor that we need this different authority to pay a subsidy to municipalities. I have taken their word for it and we have included it in this amendment. If you are not prepared to take the word of those gentlemen, then we will have to get you more information.

Mr. Foulds: I am just saying that that is exactly my position. I'm sorry, but I don't want a long legal explanation—I just want a legal explanation in layman's language.

Hon. Mr. Snow: We have deleted in this Act section 3 of the old Act. "Section 3 of the said Act is repealed" and the subsidy was payable under section 3. I am told by my solicitor that the wording is too limited in the former section 3.

With regard to your question about the Lieutenant Governor in Council, the Lieutenant Governor in Council has always been involved in the Act in approving airports. Airports are handled somewhat differently in the ministry than are roads. I do not have to go to the Lieutenant Governor in Council for an order in council to build a bridge or pave a mile of road. That's within the authority of the minister. But as far as an airport is concerned I cannot give a \$50,000 grant, or whatever, to a municipality to build an airport, the same as I can to build a bridge, without getting authority of the Lieutenant Governor in Council. That's the way the existing Act is set out.

Mr. Foulds: I'm sorry but the minister has not satisfied my question. He tells me that his advisers tell him that the authority is too limited. He has not explained to the House in what way that is limited and what extension he needs. In others words this House is granting to him authority to spend public funds. I would like to know why that extension is necessary and what are those limits on his authority as it is now outlined in this Act in contrast to the former Act?

Hon. Mr. Snow: From the compendium that was provided as background information with the Act I will, if I may, read the last two paragraphs:

"The minister has for some years has been subsidizing the construction of certain municipal airports. These municipalities have found that the cost involved in maintaining and operating these airports, once built, strain their resources and the government plans to pay subsidies for the maintenance and the operation of specific airports, where authorized by the Lieutenant Governor in Council.

"Such subsidies are possible under the existing wording of the Act. But the Act refers only to the acquisition of land or any equipment apparatus or thing that may be required for the establishment, extension, improvement or maintenance of a municipal airport. Under the rules of the statutory interpretation 'thing' as used here can only apply to physical goods, which would include fuel for the heating of buildings and electrical power supply but would not properly apply to services including salaries and wages.

"At the same time sections 2 and 3 of the Act are being merged in the interest of simplicity."

So the ruling is that we could not pay for wages of people pertaining to maintenance of airports under the old Act.

Mr. Warner: I'm wondering if the minister, in the interest of time, will go over section 2 very briefly? Does the wording of that mean that you can, or want to, or it's possible for you to get involved, embroiled in that whole hassle out at Toronto International Airport with regard to the taxi problem? The licensing procedures have been a problem in the municipality of Mississauga, they were a problem for Metropolitan Toronto for a while. They then became a problem for the federal government. If I interpret "operation and maintenance of airports" in a certain way, it would include the licensing of taxis as well. I'm wondering if that does and what your intention is that regard?

Hon. Mr. Snow: We have nothing as a province to do with the federal government airports at all. The Toronto International Airport at Malton is a federal airport. It's federal property; we contribute to it financially in no way. The municipality may supply some services, water or sewers, to it. We build roads to the boundary of the airport, they build the roads within the boundary of the airport. The taxis, of course, are licensed by the municipality wherein they operate and those that operate on federal property are to be licensed by the federal minister and it has nothing to do with this bill whatsoever.

[5:45]

Ms. Bryden: With regard to section 2, Mr. Minister, I appreciate that it is broadening

the power to subsidize so there is no doubt that any matter covered in an agreement between the ministry and a municipality, corporation, individual and so on, can be subject to subsidy. If that is correct, at least we know where we stand on the question of subsidization. But, as I mentioned earlier, I would hope that each individual subsidy would be brought before this Legislature rather than having a lump sum voted for subsidization so that we know exactly what we are subsidizing under this section.

I was very glad to hear the minister state in his reply on second reading that the government was not contemplating the operation of any airports in southern Ontario nor the subsidization of any carriers in southern Ontario. That is a clarification of government transportation policy that we have been waiting for a long time, and I think it does clarify a good deal of the concerns that were being expressed at the hearings about the future of the Toronto Island Airport. So I was glad that he was very clear in making his position evident to us on this matter.

With regard to this section, I would just like to make that suggestion that when the estimates come in, that we have each subsidy shown to us.

Hon. Mr. Snow: Let's be a little bit reasonable. When we bring in the estimates to the House, our estimates are very small for this part of the program; I think we have something like \$250,000 for all the municipal subsidies this year. During consideration of my estimates, I'll be able to give the hon. members a breakdown of municipalities to which that subsidy would go. But for me to bring this information to the Legislature every time we want to give a \$5,000 subsidy to a municipality, I think is somewhat beyond reasonable. To debate each municipal subsidy in this Legislature if the hon. member wanted to do that for the 900 municipalities and all the road and transit subsidies, we would be sitting 24 hours a day, 365 dollars a year, just debating the subsidies my ministry gives to municipalities.

Mr. Foulds: Dollars a year?

Ms. Bryden: What I was really suggesting was that either in the detail of the estimates or in any compendium that is provided to the opposition parties, that there should be a list of the breakdown of subsidies. The minister mentioned subsidies only to municipalities, but this particular section gives the power to give subsidies to individuals, private corporations and all sorts of other bodies, and we would like that information at the time of the estimates.

Hon. Mr. Snow: That will certainly be available. It's available any time. All the hon. member has to do is ask a question in the House every day between 2 and 3 if she wants information on any subsidy that this ministry gives out. My life is an open book. Everything's available to you.

Mr. Nixon: Oh, boy!

Mr. Cunningham: It won't be a best seller, I'll tell you that.

Mr. Foulds: Mr. Chairman, I'd simply ask the minister to outline to us at this time the conditions under which his ministry could contemplate such an arrangement with an individual.

Hon. Mr. Snow: To my knowledge, we have not to this date made any arrangements with an individual or subsidized an individual for a private airport. There is a possibility that some time in the future there could be such arrangements. In some municipalities in the north, and in eastern Ontario, there are some small airports operated by private individuals, I guess you would say—perhaps a flying club that has bought land.

As an example, near here we have the Brampton Flying Club, which owns 200 acres of land at Snelgrove, north of Brampton, and has quite a nice little airport there. They have had no subsidy whatsoever. They never applied for any. I'm not talking about any for that. But there could be instances where there is an airport at a community that is not a municipally owned airport, where some type of improvement might be needed and whereby, maybe for \$100,000, you could fix up that airport under some agreement where it would become available to the public rather than spend \$1 million to build an airport across the road owned by a municipality. I've got no examples—we have not done it—but this would allow that type of a thing and it would be under special circumstances that it would happen.

Section 2 agreed to.

Mr. Deputy Chairman: Shall the balance of the bill carry?

Mr. Foulds: I have one question for information from the minister. In what would be the consolidated Act once this bill passes, what number does section 5 of the original Act become? That is, the clause in the original Act which reads: "The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature."

Hon. Mr. Snow: There is no change.

Mr. Foulds: Yes, what section does that become? Does it remain section 5?

Hon. Mr. Snow: It remains section 5 of the main bill.

Bill 35 reported.

TORONTO AREA TRANSIT OPERATING AUTHORITY AMENDMENT ACT

House in committee on Bill 44, An Act to amend the Toronto Area Transit Operating Authority Act, 1974.

Mr. Deputy Chairman: Are there any questions, comments or amendments on this bill?

The member for Scarborough-Ellesmere.

On section 1:

Mr. Warner: Thank you very much, Mr. Chairman. Obviously, there are a few terms missing from the bill—words such as ad hoc, Band-Aid, piecemeal. Frankly, I get tired of seeing bills that come in front of us that are not a part of an overall planning strategy.

Mr. Cunningham: On a point of order, Mr. Chairman, this is not on the bill.

Mr. Ruston: What section is he dealing with, Mr. Chairman?

Mr. Deputy Chairman: Could I ask the member what section he is dealing with?

Mr. Warner: I'm referring to section 1, subsection 2(g), where it starts to define the regional areas. I would like to know, first, in his defining, why he uses that particular kind of description.

Secondly, what is the effect it is going to have on the existing transit facilities that are in those areas, whether it's Markham Transit or what? I listened to your description of the Yonge corridor and the crossover with Markham Transit, but how do you envisage it affecting those other areas?

The Chairman may want me to leave the question about subsidy until section 6. It seems to me to be related, because if you're going to talk about the region that it affects and the transit system that is already presently in place in that region, then surely that also involves a discussion of the subsidies which it now receives versus the subsidies that are handed out to GO Transit or whatever else the province wants to operate, because there are some real conflicts in all of that?

Perhaps, Mr. Chairman, if we can proceed one step at a time I would like if the minister could explain the reasons for selecting those particular regions as described and whether or not he means the entire regional area, and the effect it will have on the existing transit facilities in each of those regions.

Hon. Mr. Snow: I must admit that I have some difficulty in understanding what the hon. member wants to know.

First of all, this is for the GO Transit system which operates now in Hamilton-Wentworth, in the region of Halton, the region of Peel, the region of Metropolitan Toronto, the region of York and the region of Durham, and, in some cases, in very minor instances, extends outside those regions to supply the commuter service. It has nothing to do whatsoever with local transit, other than the interconnections. Oakville Transit and Mississauga Transit interconnect their buses with the GO Transit stations at Oakville, Clarkson or Port Credit. This has nothing to do with it and it will make no change to the local transit system.

Basically, what this bill is doing—other than the minor part that we discussed before about parcel express—is making Hamilton-Wentworth, Halton and Durham full partners or full participants in TATO, as their municipalities have voted and passed resolutions, forwarding them to me and asking that this be done.

Mr. Warner: In explanatory notes, you certainly say you are “expanding the meaning of ‘area of jurisdiction of the authority.’” I would like to know what the intent of all of that is then. You are doing one of two things. You are either becoming more aggressively involved in providing good public transit—that’s why you are expanding the meaning of area of jurisdiction—or you are going to put some pressure on people like Gray Coach or whoever else is operating there. It is either one or the other. I would like to know definitively what it is that you are about when you want to expand the area of jurisdiction.

Hon. Mr. Snow: We are not expanding the area of jurisdiction. Two regional chairmen sit on TATO board meetings now but are not voting members under the old Act. This will make the regional chairman from Hamilton-Wentworth, the regional chairman from Halton and the regional chairman from Durham voting members on the TATO board of directors.

TATO presently services those areas. The lakeshore GO trains go from Pickering to Hamilton. The buses travel as far as Hamilton, as far as Oshawa, up as far as Sutton, the north end of Durham and as far as Guelph on the northwest route. There’s no intention other than expanding service to meet the demand within the present service areas. This does not really change that at all.

Mr. Warner: Perhaps you should have added an explanation to the explanatory note because under explanatory notes it clearly says, at least in the copy I have, “The amendment expands the meaning of ‘area of jurisdiction of the authority.’” At the bottom

of the page again, it says, “the amendment expands the meaning of ‘regional area.’”

I take that at face value in the explanatory notes that you are in fact expanding the area of jurisdiction. I want to know, if that’s so, what the purpose of it is. If it is not that way, if it is in fact as you have described, that you are not really expanding the area of jurisdiction but what you are doing is more directly involving the regions, that’s a different kind of explanation. I don’t wish to get into—

Hon. Mr. Snow: If the hon. member would read the explanatory notes. It says at the beginning, “the Act presently reads as follows: . . . ‘area of jurisdiction of the authority’ means the area composed of,” (i) the regional municipality of Peel, (ii) the regional municipality of York, and (iii) the regional municipality of Toronto.

“The amendment expands the meaning of ‘area of jurisdiction of the authority’” by including, in addition to that, the regional municipalities of Halton, Hamilton-Wentworth and Durham.

Mr. Warner: Then it concludes by saying, “The amendment expands the meaning of ‘regional area.’” I don’t wish to get into an argument over semantics. It is just that if it is as you have stated, then I suggest that that’s what it should have been in the explanatory note instead of trying to suggest or leave the impression that you are expanding the jurisdiction, because that becomes an entirely different matter. I shall leave it at that on that point.

Hon. Mr. Snow: Just to further explain it, this Act expands the area of full membership; maybe that would be a better explanation of TATO. It does not really expand the area of authority because TATO operates in these regions. The region of Halton has several GO routes through the north, the middle and the south, as does Peel and as does Durham. It includes them as full members of the authority now which they weren’t before.

Section 1 agreed to.

Mr. Deputy Chairman: Shall the bill be reported?

Mr. Warner: No, I have further discussion.

Mr. Deputy Chairman: The member for Scarborough-Ellesmere. Could I ask the member is it a brief comment or will he take some time?

Mr. Warner: I have one question pertaining to section 6.

Sections 2 to 5, inclusive, agreed to.

On section 6:

Mr. Warner: Section 6 talks about the tariff for fares established by an agreement. I am wondering if the agreement that you have in mind is similar to the one which you have foisted upon Metro Toronto, namely, that 70 per cent of the operational cost must come from the fare box before any subsidy comes from the province of Ontario. Is that the intent in section 6 that you wish to establish by agreement?

Hon. Mr. Snow: I explained this whole thing fully a few minutes ago to the member for Beaches-Woodbine. I am sorry you weren't here.

This is the agreement between, for instance, Markham Transit and TATO A for the use of the TATO A buses to ply the transit service to the town of Markham. This would be an agreement between TATO A and the city of Markham for the cost of operating that bus, not the fares paid by the riders.

Section 6 agreed to.

Sections 7 and 8 agreed to.

Bill 44 reported.

On motion by Hon. Mr. Welch, the committee of the whole House begs to report three bills without amendment and asks for leave to sit again.

Motion agreed to.

THIRD READINGS

The following bills were given third reading on motion:

Bill 34, An Act to amend the Public Vehicles Act.

Bill 35, An Act to amend the Airports Act.

Bill 44, An Act to amend the Toronto Area Transit Operating Authority Act, 1974.

LABOUR RELATIONS AMENDMENT ACT

House in committee on Bill 22, An Act to amend the Labour Relations Act.

The House recessed at 6 p.m.

CONTENTS

Tuesday, October 25, 1977

Layoff of nickel workers, questions of Mr. Auld: Mr. S. Smith, Mr. Lewis	1123
Bruce nuclear plant, questions of Mr. J. A. Taylor: Mr. S. Smith	1123
Layoff of nickel workers, questions of B. Stephenson: Mr. Lewis, Mr. Germa, Mr. O'Neil, Mr. Laughren, Mr. Cassidy	1124
Burning PCBs, questions of Mr. Kerr: Mr. Lewis, Mr. O'Neil, Mr. Kennedy, Mr. S. Smith, Mr. Swart, Mr. Conway	1125
Investigation of reporter, questions of Mr. Kerr: Mr. O'Neil, Mr. Cassidy, Mr. Peter- son	1128
Minaki lodge, questions of Mr. Bennett: Mr. Martel, Mr. Peterson, Mr. Foulds	1129
Layoff of nickel workers, questions of B. Stephenson: Mr. Haggerty	1130
Layoff of nickel workers, questions of Mr. Bennett: Mr. Martel	1131
French-language instruction, questions of Mr. Brunelle: Mr. Nixon, Mr. Samis, Mr. Sweeney	1131
Native rights, questions of Mr. F. S. Miller: Mr. Wildman, Mr. Reed	1132
Energy development, questions of Mr. J. A. Taylor: Mr. Reed, Mr. Samis	1133
Hamilton office complex, questions of Mr. McKeough: Mr. Deans	1133
Dangerous offenders, questions of Mr. McMurtry: Mr. Epp, Mr. Breithaupt	1134
Funding of Wawel Villa, question of Mr. Norton: Mr. Duksza	1135
Investigation of reporter, on point of personal privilege, Mr. MacDonald	1135
Report, standing procedural affairs committee, Mr. Breaugh	1135
Liquor Licence Amendment Act, Mr. Mancini, first reading	1136
County Judges Amendment Act, Mr. McMurtry, first reading	1136
Judicature Amendment Act, Mr. McMurtry, first reading	1136
Provincial Courts Amendment Act, Mr. McMurtry, first reading	1136
Small Claims Courts Amendment Act, Mr. McMurtry, first reading	1136
Ontario Food Terminal Amendment Act, Mr. Pope, first reading	1137
Employment Standards Amendment Act, Mr. Breaugh, first reading	1137
Audit Act, Mr. McKeough, second reading	1137
Public Vehicles Amendment Act, Mr. Snow, second reading	1144
Airports Amendment Act, Mr. Snow, second reading	1148
Toronto Area Transit Operating Authority Amendment Act, Mr. Snow, second reading ..	1153
Public Vehicles Amendment Act, reported	1157
Airports Amendment Act, reported	1158
Toronto Area Transit Operating Authority Amendment Act, reported	1160
Third readings Bills 34, 35 and 44	1162
Labour Relations Amendment Act, in committee	1162
Recess	1162

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
 Auld, Hon. J.A.C., Chairman, Management Board of Cabinet (Leeds PC)
 Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J.R. (Kitchener L)
 Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)
 Bryden, M. (Beaches-Woodbine NDP)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Cunningham, E. (Wentworth North L)
 Deans, I. (Wentworth NDP)
 Duksza, J. (Parkdale NDP)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Epp, H. (Waterloo North L)
 Foulds, J.F. (Port Arthur NDP)
 Germa, M.C. (Sudbury NDP)
 Haggerty, R. (Erie L)
 Kennedy, R.D. (Mississauga South PC)
 Kerr, Hon. G.A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S. (Scarborough West NDP)
 MacDonald, D.C. (York South NDP)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 Martel, E.W. (Sudbury East NDP)
 McClellan, R. (Bellwoods NDP)
 McKeough, Hon. W.D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Miller, Hon. F.S.; Minister of Natural Resources (Muskoka PC)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R.F. (Brant-Oxford-Norfolk L)
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 O'Neil, H. (Quinte L)
 Peterson, D. (London Centre L)
 Philip, E. (Etobicoke NDP)
 Pope, A. (Cochrane South PC)
 Reed, J. (Halton-Burlington L)
 Reid, T.P. (Rainy River L)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Ruston, R.F. (Essex North L)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Snow, Hon. J.W.; Minister of Transportation and Communications (Oakville PC)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, Hon. J.E.; Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, Hon. J.A.; Minister of Energy (Prince Edward-Lennox PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Wildman, B. (Algoma NDP)
 Yakabuski, P.J. (Renfrew South PC)
 Young, F. (Yorkview NDP)



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First Session, 31st Parliament

Tuesday, October 25, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

TUESDAY, OCTOBER 25, 1977

The House resumed at 8 p.m.

LABOUR RELATIONS AMENDMENT ACT

House in committee on Bill 22, An Act to amend the Labour Relations Act.

Mr. Chairman: We have the Act reprinted as amended by the standing resources development committee. Are there any comments or amendments? The member for Quinte.

Mr. O'Neil: Mr. Chairman, we have one amendment which we would like to propose, moved by myself and seconded by Mr. Mancini. It is an amendment to add a subsection 2 to section 125 of the Act as set out in section 3 of the bill.

Mr. Chairman: Order, please. Before you place any amendment to section 3, I'd like to ask if there are any other members who wish to speak to any previous sections.

Sections 1 and 2 agreed to.

On section 3:

Mr. Chairman: Mr. O'Neil moves that section 125 of the Act, as set out in section 3 of the bill, be amended by adding subsection 2 as follows: "Effective the 30th day of April, 1980, for the purposes of section 125(1) and sections 126 to 140, the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106 shall be deemed to include the electrical power systems sector of the construction referred to in the said clause e, in addition to the said industrial, commercial and institutional sector."

Has the member for Quinte any further comments?

Mr. O'Neil: No, Mr. Chairman; I think this has been discussed very fully in our hearings across the province, in the centres of Thunder Bay, London, Ottawa, Sudbury, and Toronto. I think the point has been made by our party as to our feelings that Ontario Hydro should come within the scope of this bill as of that date, April 30, 1980, which would give a fair amount of lead time to Ontario Hydro. As I say, I think enough comments have been made about it in standing committee.

Mr. Bounsall: We too would like very much to see Hydro covered in province-wide

bargaining, and in the committee stage initially moved the same effective amendment as we have before us from the Liberal Party.

The minister then responded, I think, in a very positive way. She brought a proposal to the committee in which she proposed to establish an industrial inquiry commission, according to section 34 of the Labour Relations Act, to consider the extension of this bill into the electrical power system sector. If I could read out part of the terms of reference which the minister had in mind, they included "the feasibility of the merger of the electrical power system sector with the industrial, commercial and institutional sector."

I think a very valid study could be done on that one single term of reference alone, because I think it was the feeling of all members of the committee, particularly hearing from contractor groups across the province, and from many of the union groups, that Hydro had to be included in this province-wide bargaining. This was partly because of the rate of pay which Hydro paid in the area in which they had a project, which tended to be the second highest rate in the province—not the highest, but the second highest—a rate which often disturbed the trade rates in the area and made it very difficult for other employers to keep or even to find tradesmen.

For Hydro to be paying the rate pursuant to the area, which would emerge as the local appendancy to a province-wide agreement, seems to us to be a step forward. There are other reasons why tradesmen, without having a higher rate of pay, would prefer to work on a Hydro project, one of them being the long-term work which they would get as opposed to maybe short-term work at various sites in the other markets. But there is no question in our minds that Hydro should be included, either now or eventually, and we certainly hope in the not too far distant future, in the province-wide bargaining with the rest of this sector.

The minister proposes an industrial inquiry commission which would thoroughly investigate the problems of making them part of this ICI sector. It goes on with a couple of other terms of reference: Part B, "The desirability of the retention of multi-trade bargaining as opposed to single-trade bar-

gaining in the electrical power system sector"; and, finally, "the process and timing for such extension."

The minister went on to propose in writing, and said in response to questioning, that this was no problem; the commission would be appointed not later than October 31 and it would report to the minister within three months. Both of those time frames—when we would get this commission started and when it would have to report—mean that we would have this report before us in a rather short time. In questioning, the minister said she has in mind some person who is very capable of being the commissioner of this inquiry commission and who presumably is available—he or she—to meet these sorts of deadlines.

I would like to see, because it is such a complicated sector—the whole construction industry is complicated; I must admit I liked being on this committee for the sole purpose of finding out more about the construction industry and how it operated. From the educational point of view it was well worth it.

This would allow a thorough investigation of Hydro and how Hydro could and should be operated. The only drawback, of course, is the power that Hydro seems to exert upon the cabinet. I can envisage a report from the commissioner coming in and saying, "Hydro should be included. Let's do it now—or whatever the date may be—and do it under the following different conditions, which can be either accepted by both sides in the construction field or, if necessary, legislated." I can see that coming forth and then, because of Hydro's seeming influence on the cabinet, the bill that would do that or the urge to get them into that sector would never see the light of day. That is a concern, a lingering concern.

Mr. O'Neil: Why don't you vote with us?

Mr. Bounsall: But as I said during consideration of the estimates, the Ministry of Labour's sins, and they are manifold, are ones of omission and not ones of commission. If they go out of their way to meet the need in this way of taking this step—and this commission, as I have no doubt, has to include them in some way in the province-wide bargaining—then I feel it would be so compelling that they be included that even Hydro's objections, if there are any, would not carry the cabinet in the way which I fear. The reasons for them to be included as turned up by this commission would be so compelling that the government would have to move on their inclusion.

I can see all sorts of areas in which this inquiry commission should look. The terms

of reference as suggested tell me that those are broad enough to cover the entire field of the construction industry in which Hydro participates. The commission is able, from the terms of reference, to look into every corner and sector of that; including, I would think, in the construction field a look at Hydro's system of cost-plus on all their projects rather than the tendering system. I would say to the commission that this does have some effect, I would think, upon the contracts reached, if not necessarily directly on the bargaining. This is also an area which the commission could quite fruitfully look into and come forward with some recommendations, because of the added costs to the province of their cost-plus system of arriving at the contracts on their construction sites.

I certainly don't agree with the brief that Hydro presented to us outlining how they would be at a disadvantage with respect to being included under this bill. One of the arguments placed was that they must purchase construction material and equipment on the open market at the best price. They want that right. That simply says they want to use non-union materials, something which I don't think Hydro should be allowed to do, particularly in light of the fact that the money saved there would be picayune compared to the money spent on their cost-plus arrangement of arriving at their agreements to build.

Their proposal was to set up a parallel structure, a bill of their own if you like, parallel to the powers here in this bill, with a single designated bargaining agency representing all employers of trades or crafts working in the electrical power system sector for province-wide, multi-employer bargaining. What they are really saying is set up some sort of procedure which forces the subcontractors with whom they have to deal to sit down and deal with them.

That's a funny way of arriving at something which by their very subcontracting contracts they can achieve anyway. We surely don't need a parallel structure simply to achieve the main point of what Hydro asked us to do. It is clear in my mind they should be included in a province-wide contract.

What I am interested in, however, is a qualified person looking into the ins and outs of exactly how they should be included and what differences, if any, there should be. They may turn up some significant differences. I have heard stories saying that they both do and don't pay the extra bonuses for high level work which often occurs on Hydro projects in local areas.

I'm not sure which side to believe in this. If it is true, I can see where one of the

recommendations would be to include them, but that this is a provision from which they should be exempted because of their particular type of project. In many areas the highest thing they would ever have in the whole area would be the Hydro project, if they were lucky or unlucky enough to have one there, whichever way you want to look at it.

[8:15]

For that reason, I support the commission inquiry and trust the ministry and the minister to appoint a well qualified person, the one they have in mind, to be the commissioner. I trust him in this and certainly would hope they would follow through in complete detail, in legislation if required, what that inquiry commissioner would recommend.

For that reason we have decided that the proposal by the minister is not just an interesting one but the proper way to proceed at this time with this bill. We would prefer to take the minister at her word, follow through this procedure as she has committed herself to do, and we will not support the amendment, one which we had moved in the first place but then withdrew as a result of the proposal put through by the minister.

Mr. Mancini: Mr. Chairman, first of all, let me say that it was certainly a privilege for myself to serve on the standing resources development committee as the chairman. I wish to acknowledge the tremendous amount of co-operation we received from the deputy clerk of the House, who informed me on many different occasions of what my duties and responsibilities were as chairman.

I would like to say that I sat in the hearings and I heard every single brief that was presented. I sat in the committee and I heard management organization after management organization approach the committee and explain to us the need they felt of Ontario Hydro being included in this bill, and I totally support my colleague from Quinte in his amendment; I believe it's necessary.

I would also like to say that we had support of the other opposition party until the different unions from Hydro sent telegrams. That's the first time I realized we had lost the support of the other opposition party. All through the committee hearings all the members of the committee stated emphatically that Hydro should be included in this bill; it was just a matter of when would be the most appropriate time to have them brought in.

Mr. Kerrio: You don't want to see a flip-flop, do you?

Mr. Mancini: No, I don't.

Mr. Warner: Why don't you just get on with it and resign?

Mr. Mancini: It was decided before the very last meeting, on a general consensus of all of the committee members, that Hydro was to be included in this bill in April 1980. It is not right to say that we need this industrial inquiry commission to further study Hydro. My goodness, we've had a top-notch commissioner study, we've had Don Franks working on this. He's very highly acclaimed. He has looked into Hydro and he says, on page 59 of the Franks brief, that the power sector is no different from the institutional and the commercial and the industrial sector. He recommended strongly to the minister—

Mr. Foulds: Is that Don Franks the actor, the singer?

Mr. Mancini: I can recall seeing a letter that Mr. Franks sent to you right after the Hydro people presented their briefs. I think he kind of mentioned that they came to the committee cap in hand to be treated special.

I have to say, in all honesty, when we have an organization as large as Hydro, an organization that has a long-term commitment of a multi-billion dollar program for the future and employs 10,000 construction workers, how can we ignore an agency this big? I say it's special treatment for a government agency.

If anyone needed special consideration, it was the petro-chemical people from the Sarnia area whom my colleague, the member for Sarnia (Mr. Blundy), represents. If anybody had a good setup which was working well and should not have been tampered with, it was those people in Sarnia. But due to the fact that we needed province-wide, single-trade bargaining, we had to include them.

Now we have a government agency which has caused this government all kinds of problems in other areas, the same government agency that employs more than 10,000 people, which is the biggest contractor in the province, and which has a multi-billion dollar program underway; and they're going to be excluded. We're going to have this industrial inquiry commission to study whether they should be in or not.

I say let's put them in now, for 1980, and work for two years on how would be best to bring them in. That is the answer to our problem.

Mr. Warner: You've got one supporter.

Mr. Reid: Don't wait for 1980, do it now.

Mr. Mancini: Members of the Conservative Party—

Mr. Foulds: There's going to be an outage on your mike pretty soon, you know.

Mr. Mancini: —strongly recommended it until the last day or two and they even bandied around the date 1980. The member for Middlesex (Mr. Eaton) was one of the strongest supporters of 1980.

Mr. Eaton: Oh, no.

Mr. Mancini: He certainly was. He was a strong supporter of 1980.

Mr. S. Smith: No; he's 1984, isn't he?

Mr. Foulds: It's a very good year, I'll look forward to it.

Mr. Mancini: Now all of a sudden there are regulations for the rest of Ontario but there's no regulation for a government agency. I expected the support of the third party, and I'm disappointed that we don't have it.

I dare say that if this amendment is not passed now, Hydro will never be brought in under this bill, and I'm sure that's what they want. It shows Hydro's power in the cabinet. Unfortunately, many of the people in Ontario are going to have to learn to work together, but a large, powerful government agency does not.

Mr. Ruston: Never, until we're elected.

Mr. Mancini: First priority.

Mr. Warner: Lake Ontario will freeze over.

Mr. Foulds: We'll be there before you are.

Mr. Warner: You're half-way in the Tory bag now, for heaven's sakes.

Mr. Chairman: Order, please.

Mr. Kerrio: The next move for you is right out the door.

Mr. Foulds: Can you get a Hydro bus?

Mr. Kerrio: You're headed in the right direction.

Mr. Chairman: Order. The member for Essex South has the floor.

Mr. Mancini: I'd just like to say that at least 50 per cent of the union people and at least 90 per cent of the management people who came before our committee wanted Hydro included. I dare say there are probably more out there, but they are afraid to upset the bill and are therefore keeping quiet.

Also I would like to say that I really didn't appreciate the manner in which Hydro came to present their brief. It was typical scare tactics. "If you touch us, there'll be no power. If you touch us, there'll be extra cost to the taxpayer." Do you know just over a lunch hour they sent us an estimate of \$25 million as what it would cost to bring them in right now?

Mr. Mackenzie: That was an expensive lunch.

Mr. Mancini: Don't you think that Don Franks, the commissioner, could have figured that out?

Mr. Foulds: He's slumping in his seat with embarrassment.

Mr. Mancini: Don't you think that a man who had done such a fine job with his report could have figured that out? I think the minister has to answer a very serious question. How can she not support the recommendation of Don Franks?

Mr. Kerrio: Hydro's a sacred cow.

Mr. Pope: Or a sacrificial lamb.

Mr. Kerrio: Bigger than this Legislature.

Mr. Mancini: I'll just wrap up by saying that our party is going to support the inclusion of Hydro; we want to treat all of the government agencies the same way that we treat the private enterprise people.

Mr. Foulds: That badly?

Mr. Mancini: I think Hydro should be included in this bill and I would hope that members of the third party would change their minds. Thank you.

Mr. Mackenzie: I'm delighted to have the Liberal member place his priorities so squarely before the House. He's now supporting this particular amendment because only 50 per cent of the union but 90 per cent of the management people want the amendment in there. It's pretty clear to whom they listen and who carries the weight.

Mr. S. Smith: Sharp is the word for it.

Mr. Mackenzie: The other thing that's very interesting too—and the Liberal leader should follow this a little bit closely—is that one of the arguments used in committee, which quite frankly I'm not sure I'd buy—

Mr. Mancini: You supported it until the last two days.

Mr. Mackenzie: —was the cost of \$25 million. The member who just finished speaking said there's no way of knowing, or at least that Hydro was wrong with these figures. They may be wrong, the commission may be one way to find out; but let me tell you I thought, following the last election campaign and the comments I've heard in this House, that the Liberals were supposed to be interested in whether or not we saved the people \$25 million. Obviously it's not a major concern when it comes to an issue like this.

Mr. S. Smith: How come you didn't think of it when you proposed the same amendment?

Mr. Chairman: Order, please.

Mr. Mackenzie: It may be, but the instant expert on labour, the leader of the Liberal Party, should stop and realize—

Mr. Ruston: You are not getting home to him.

Mr. Mackenzie: One doesn't get home to him in any way, it doesn't go in. It's in one ear and out the other. He should stop and realize that the amendment in committee was first moved by my colleague, the member for Windsor-Sandwich (Mr. Bounsall). We are perfectly willing to listen to arguments, and in this case, there was at least some validity in the arguments.

Mr. S. Smith: Why didn't he think of the \$25 million then?

Mr. Mackenzie: It was you people who made that argument. All of a sudden \$25 million doesn't count. I can't understand you.

Mr. S. Smith: Why didn't the member for Windsor-Sandwich think of that argument?

Mr. Bounsall: We're willing to be convinced by facts.

Mr. Mackenzie: The member for Quinte said: "Why don't we vote for it?" This Hydro deal is a Liberal issue.

Mr. Ruston: You want to believe it is.

Mr. Mackenzie: It's not a union issue. This particular bill is supposed to be aimed at bringing some order into the construction industry; obviously it doesn't matter a darn to these people.

Mr. S. Smith: Nor does it to the member for Windsor-Sandwich, nor to Franks.

Mr. O'Neil: That must have been a pretty good lunch you had.

Mr. Chairman: Order.

Mr. Mackenzie: Let me give you a couple of examples. Obviously, it bothers them to have the truth come out. In the same committee hearings the member who just interjected a few minutes ago said: "Why don't we vote for it?"—the member for Quinte moved two amendments, not major ones but of some import to the bill. In his comments in committee he said he was moving the amendments because he had been asked by Mr. Koskie to move them.

Mr. O'Neil: Who? I didn't propose—

Mr. Mackenzie: Mr. Koskie. Those were union amendments. Let me tell you something, when the arguments were raised by the minister in that committee—and there was some validity to the arguments—what did he do? He withdrew them. There was no vote forced on those particular amendments. They're the ones who changed "may" to "shall"; if you remember. When he says,

why don't we vote for them, why doesn't he know what he's talking about?

I'm not at all entirely sold on the arguments we've had from the government, but I think they're worth looking at. I think we might find out the costs and the problems with multi-trade bargaining and a number of other things that are involved in the suggestion about Hydro. The intent of this bill is to bring about, or the reason we're given for the bill, some order in the construction industry.

Mr. Kerrio: Isn't Hydro in construction?

Mr. Mackenzie: If it's to bring about some order in the construction industry, then you're looking for a position that meets some general agreement.

Mr. Worton: That's normal.

Mr. Mackenzie: The member for Essex South (Mr. Mancini) also made the comment about receiving some wires from Hydro and Hydro unions. I've never received a wire from Hydro or a Hydro union since I've been in this House. Let me tell you, Mr. Chairman, one of the things we did check—and I'll make no apologies for it—was the union position in this particular issue? Do you know what we found? Very clearly, there is no unanimity; the only thing the member for Essex South is right about is that it's a 50-50 split.

Mr. Reid: That means you have no position then, if they don't tell you what to do.

[8:30]

Mr. Mackenzie: It's a 50-50 split. The only really strong arguments I heard—well apart from the anti-Hydro argument, the arguments weren't that strong. There were arguments for and against, even on management's side.

Mr. Ruston: Louder, Bob.

Mr. Reid: There always are positions. That's what you don't understand. In every issue, there are arguments for and against.

Mr. Mackenzie: I think I do understand and I don't think the Liberals understand. I think what's happened here—

Interjection.

Mr. Chairman: Would the member for Rainy River contain himself please?

Mr. Reid: How can you expect me to contain myself listening to this?

Mr. Chairman: Order, please.

Mr. Mackenzie: If we are interested in an amendment that might contribute to a bill before the House, that might bring some stability and peace and order to the construction industry and the bargaining that

goes on there, then you are not going to do it with a position that's at best 50-50 right off the bat, with all kinds of strong feelings on it. When a suggestion is made that we take an immediate position—

Mr. Reid: You mean you are afraid to take a position unless the union tells you.

Mr. Foulds: You are really fascist, a Liberal Labour member.

Mr. Mackenzie: When it comes to an immediate position—

Interjection.

Mr. Chairman: Order.

An hon. member: What a bunch of nonsense.

Mr. S. Smith: He says jump, and you ask how high. Even then it has to be 90 per cent of the union.

Mr. Mackenzie: What's bothering the Leader of the Opposition?

Mr. Chairman: Order.

Mr. Mackenzie: What's bothering you?

Mr. S. Smith: You are.

Mr. Mackenzie: I am glad we have got through to you.

Mr. Chairman: Order.

Mr. Mackenzie: I have been waiting for two years for some understanding of the labour movement in the Liberal caucus. They woo them like heck, but they don't understand them.

Mr. Reid: Your understanding is if it is 50-50 you don't take a position.

Mr. Chairman: Order, please. Would the member for Hamilton East address his comments to the Chair?

Mr. Mackenzie: Mr. Chairman, I would be delighted to. You must forgive me, I am being abused and the interjections here are getting through to me—unreasoned interjections from the party on my right, the far right.

I would simply say that what we have here is an amendment that gives us a chance to get out and ask some specific questions as to the effect of multi-trade bargaining, which is what we have right now in Hydro, and the other party should understand that. It's not a single-trade bargaining situation. We can learn what, if anything, it's going to cost. I have grave reservations about the figures the government threw at us as to cost, but I would like to know what it is going to cost and what kind of a time frame and arrangements can be made in terms of bringing Hydro in, if indeed it should be brought in; we have that chance.

Mr. Mancini: You will never have a chance.

Mr. Mackenzie: Maybe before that commission we can also take a look at the cost-plus practices and some other things that have bothered people for a long time about Hydro, and I doubt very much if Hydro's too happy about being put up to that kind of scrutiny again. When we have that kind of an assessment, then we still get another crack at it here in the House. That, to me, makes eminent sense. I want to be very, very frank with some members of this House, I don't think we have always got the answers and we may on occasion—

Mr. Reid: What? I don't believe I am hearing that from a socialist.

Mr. Mackenzie: I admit that I am a democratic socialist too, Mr. Chairman.

Mrs. Campbell: Do you not have anything useful to do?

Mr. Mackenzie: We may on occasion—

Mr. Reid: By God, we will have to have that framed. That is the first honest thing I have heard.

Mr. Chairman: Order.

Mr. Mackenzie: Mr. Chairman, would you please control your colleagues?

Mr. Chairman: Order, order. Would the member for Rainy River please continue drinking his water?

Mr. Reid: It is almost like Moses getting the tablets. A socialist saying he doesn't have all the answers.

Mr. Chairman: Order.

Mr. Reid: Mr. Chairman, he doesn't even know the questions.

Mr. Chairman: Order.

Mr. Mackenzie: We may on occasion, Mr. Chairman, in our party, have the wrong answers or even flop as has been suggested, but one of the things that we rarely do, we leave that to the party on my right, is flip-flop on an issue. Thank you.

Mr. Kerrio: You have broken the all-time record.

Mr. Chairman: Order. The member for Middlesex.

Mr. Eaton: Mr. Chairman, I would like to join in this debate very briefly, because I think we went through this very thoroughly in committee. We have heard all this discussion before, but I do want to draw to the attention of the House the remarks made by the member for Essex South (Mr. Mancini) which described my position as being that of strongly supporting 1980. I put that suggestion forth as a compromise on the ridiculous position his party was taking of trying to force Hydro in by April of next year—

Mr. Kerrio: That makes a lot of sense, that is sensible.

Mr. Eaton:—considering none of the consequences that could take place because of it. I think we have a good proposal here from the minister. In committee we all agreed that it was a good proposal. We agreed, and you brought the report to the House as chairman of that committee. I feel the member for Niagara Falls (Mr. Kerrio) and the Liberal Party are just trying to use Hydro as a whipping boy, no matter what the case may be.

Mr. Kerrio: They're big enough to look after themselves.

Mr. Eaton: I think if we can take a practical look at it through the commission, with some in-depth study, then we can get a report that gives us some proper direction. I know that you said you listened to every brief and the presentations of all the groups very carefully. I just want to remind you that when that next amendment comes in, on compulsory co-ordinating agencies, you remember what many of those employee groups were saying to you, don't just listen to what the former member for Sarnia has told you about the Sarnia group. I think this amendment they have put forth should be defeated, Mr. Chairman.

Mr. Blundy: I am rising to speak in support of the amendment and I am going to reiterate the statements that have been made to me by the people in the Sarnia area, both trades union people and contractors. They have insisted to me that Hydro should be included.

This is not just something they have pulled out of the sky. We, in Sarnia, are an area in which we have experienced massive building programs over the last 10 or 15 years, an area where we are used to dealing with multi-million dollar contracts and international contractors. In Sarnia we have experience with both Hydro and these private contractors. We have, in the Lambton Generating Station, one of the largest coal-fired generating stations in Ontario, so we know how both these groups are working.

I can tell you that Ontario Hydro, when building the generating station, were drawing labour from the same pool as any other contractor, the same labour pool; so there are no differences.

The member for Middlesex (Mr. Eaton), is talking about the former member for Sarnia, Mr. Bullbrook. The former member for Sarnia is just as convinced as I am that Hydro should be included.

There is no real reason why. You mentioned that it is just another way to look into Hydro affairs, investigate Hydro. There are many, many ways in which Hydro should be investigated, but not necessarily in this way as far as I am concerned.

Another thing I want to mention is this \$25 million people are talking about that would be extra costs accruing to Hydro if it were included in this bill. I think that is a lot of hogwash. We have experienced both types of construction in the Sarnia area and I can tell you—and I am not speaking of wages, I am speaking of allowances and benefits, which were much more generous as far as Hydro's projects were concerned than on Petrosar, Union Carbide or Shell Canada.

I really don't see any reason to hold up this spectre of an additional amount of \$25 million, because this party is not wanting to saddle the province of Ontario with \$25 million on any thing based on such flimsy excuses as have been suggested here tonight.

To sum up my few words, I can tell you categorically that both the trades people in the Sarnia area and the contractors in the Sarnia area want Hydro included in this bill. They are the people who have experienced both kinds of building and know what they are talking about. Thank you very much, Mr. Chairman.

Mr. Pope: Thank you, Mr. Chairman. As I understand the issue before this House, it is a problem relating to how the bargaining carried on by Ontario Hydro in the province of Ontario relates to the rest of the bargaining in the construction industry. My understanding, based on information that has been received by the standing resources development committee, is that Hydro has entered into collective agreements with the Allied Construction Council, composed of certain unions whose members are employed on Hydro projects; and that council represents the international unions of the boilermakers, cement masons, bridge and structural iron workers, labourers, machinists, operating engineers, painters, teamsters and carpenters. Other internationals can, of course, join the Allied Construction Council; for example, bricklayers and sheet metal workers.

These agreements are province-wide and cover all construction work on Hydro projects, the Hydro employees and the employees of contractors and subcontractors. The agreements provide that wages and benefits on the Hydro projects will be those negotiated locally by the locals of the affiliated unions of

the internationals, with certain important exceptions; for instance, premium pay on certain shifts, hours of work, travel time, payment for room and board.

The agreements permit the use of composite crews, composed of the members of several trades, permitting the release of the skilled tradesman from performing unskilled work. The agreements do not contain restrictive provisions regarding the handling of materials by each trade in respect of its own materials, the prohibiting of the use of non-union materials, limits upon the number of journeymen per foreman, limiting the work force to members of affiliated unions only, and extra pay for work in certain places.

I must say that the purpose, as I understood it and as has been discussed by all parties which have made representations to the committee, was to provide for single trade bargaining in the construction industry, or certain segments of it. What we have here is a proposed amendment which will destroy that concept.

Why will it destroy that concept, and is there another concept that is more adequate? Surely that is the purpose for the formation of the commission, to study all the implications? We have an Act designed to alleviate some of the collective bargaining problems in the construction industry that all parties have admitted to; unions and employers alike have admitted there are problems, and what we have is an amendment that, for the sake of getting at Hydro, will destroy that concept by putting another concept completely foreign to that concept into the bill.

I ask you, what does it accomplish? Does it bring some sort of organization to the collective bargaining processes in the construction industry with respect to the power systems sector? I would submit it does not. What it does is destroy an existing collective bargaining process in the power system. And for what reason? To get Hydro.

Surely if there is a concern by Her Majesty's loyal opposition with respect to the costs of Hydro, which has been voiced most capably by the Leader of the Opposition (Mr. S. Smith) in this House with respect to certain projects, then perhaps the Leader of the Opposition will also capably demonstrate to this House how we can refuse to deal with the possible cost consequences of destroying this collective bargaining relationship.

Mr. Kerrio: Let them be competitive. They are not competitive.

Mr. Pope: How can the two concerns be juxtaposed with any form of consistency? They aren't juxtaposed and they are not consistent, and that is the entire problem with

this amendment that has been proposed by the Liberal Party and the opposition.

I say to you that if we are to have—

Mr. Warner: That's the problem with the Liberal Party—they are juxtaposed and inconsistent.

Mr. Pope: That's right. If we are going to carry on to get some sort of proper bargaining system in the construction industry, and if we are to encourage a continuation of multi-trade collective bargaining in the power systems sector in order that both workers and employers can benefit from it, then I say that this amendment should be defeated. I cannot for the life of me understand why this proposal has been put forward by the opposition.

They have yet to explain how they're going to amend all the other provisions of the bill to avoid a conflict between single-trade collective bargaining province-wide, and multi-trade collective bargaining province-wide.

Are they willing to destroy a system that, from all the evidence that is available to us, has worked, for the sake of their own beliefs that Hydro by some means is not protecting the economic interests of the province? Are they prepared to do that irrespective of the cost to the province? The suggestion I have from the members for the opposition is that they are; they're prepared to sacrifice a potential loss to the people of this province for the sake of getting at Hydro.

For that reason I cannot support the amendment. I think my friend the member for Hamilton East (Mr. Mackenzie) has put it quite well, that there may be some facts that have to be gone into deeper.

[8:45]

Mr. Mackenzie: Be careful, I might reverse my position.

Mr. Pope: They will be dealt with deeper. We will have an examination of the cost saving or lack of cost saving based on the multi-trade collective bargaining system province-wide that Hydro presently has.

However, to make a decision and propose an amendment on the basis of a lack of information seems to me to be illogical and irresponsible for an opposition party. Thank you, Mr. Chairman.

Mr. Kerrio: Mr. Chairman, I rise to support the amendment proposed by our party, and I have very good reason to. There are some in this Legislature who would suggest that the free enterprise system is ill and failing in its responsibility in this country.

Mr. McClellan: Trudeau said that.

Interjections.

Mr. Kerrio: It's federal, it is socialist, but it surprises me that it is conservative.

Interjections.

Mr. Kerrio: I would say this, with respect, to the minister—

Mr. Warner: Who said free enterprise is free?

Mr. Mackenzie: Don't insult us with Trudeau.

Mr. Kerrio: —that having been there, having treated them fairly, and having some notion of what is going about here, I say that in a fair democratic process if we are going to allow Hydro to get into the construction business, which is what it is doing, then it should play the game according to the rules that all the rest of us have to play the game by. The moment you exclude Hydro and make it some kind of sacred cow in this particular issue, you are putting private enterprise at a distinct disadvantage.

There is no recourse for it. Hydro has been for many years nearly unreachable from the floor of this Legislature. It has gone about its business doing what it will. I say in this particular instance, if it wants to be in the construction business let it play the game by the same rules as apply to the rest of us who are in the construction industry. Let's not allow it a position that is not fair and not competitive.

I might agree that in the short run the \$25 million is objective because of the better bargaining position that Hydro gets from the trade union, but remember, it is dealing with the same workers that the construction industry is dealing with. Hydro hasn't proven that its top management is that much better that it can take these same people and do the job at a better price. Hydro is suggesting that it wants an advantage. If we are going to pursue that premise that the free enterprise system is worth saving, is worth pursuing, trade union people have their methods of protecting themselves, where does this put the individual who would compete with Hydro? I say Hydro is not competitive. I say there is hardly any government body that is competitive with true free enterprise, and I tell you again, it is not fair to exclude Hydro in this particular bill. You are allowing it to play the game by a different set of rules.

Mr. Eaton: No matter what the cost.

Mr. Breaugh: Is that what the Lummus Corporation—

Interjections.

Mr. Kerrio: That is the only way it can play the game.

Mr. Deputy Chairman: Order please.

Mr. Charlton: Mr. Chairman, I have to rise in opposition to this amendment and there are quite a few reasons for that.

Mr. Kerrio: Let's make a deal.

Mr. Charlton: Let's make a deal?

Mr. Breaugh: No, this is not the Liberal caucus.

Mr. Deputy Chairman: Can I ask the member for Niagara Falls, who has just had the floor, to allow the next speaker to continue?

Mr. Charlton: One of the things our Liberal friends down here seem to be forgetting is that one of the arguments that was raised originally in committee—about not including Hydro next April, and the ultimate suggestion that it should be in April, 1980—was that perhaps there were some problems that we didn't know about and perhaps there were some differences in the case of Hydro. That question led us away from the original amendment that I think both parties were prepared to move to include Hydro immediately.

One of the things that the Liberals are forgetting now is that by moving their amendment for April 30, 1980, they are in fact tying Hydro to two and a half years from now. The commission that the minister has agreed to set up and have report will in fact be reporting early enough that, if this Legislature so desires, Hydro could actually be included next April or in April 1979 if the commission and this Legislature find that that is reasonable and useful.

Mr. Kerrio: That's a cop-out.

Mr. Mackenzie: Just don't flip-flop before then, fellows.

Mr. Kerrio: You are the experts.

Mr. Charlton: The problems in the Hydro sector, the problems of multi-trade bargaining and the other problems that Hydro has declared—the problems of money and so on—at this point we don't know all the answers to those problems. We must have a look at them. A little earlier in the debate, in response to a comment from my colleague the member for Hamilton East when he mentioned seeking a little bit of peace and so on in the construction industry, one of the members from the far end of this side yelled, "Why not include Hydro? It's construction, isn't it?"

Mr. Kerrio: That's right.

Mr. Charlton: Well, where were the Liberals and the members of the Liberal caucus who were members of that committee when we moved to include the residential sector? They didn't support it.

Mr. Nixon: But you are excluding Hydro, aren't you?

Interjections.

Mr. Deputy Chairman: Order, please.

Mr. Nixon: The NDP and the Tories are still bowing down to the sacred cow, always Hydro.

Mr. Deputy Chairman: Order, please. Will the member for Brant-Oxford-Norfolk please allow the speaker to continue?

Mr. Charlton: The Liberals are accusing us of positions that they themselves are taking all of the time. And the reasons they take those positions are the same reasons for which we take ours: we happen to think them through and decide what is best in light of the circumstances.

Mr. Nixon: You are in bed with the Tories.

Mr. Warner: If you keep yelling, we'll think it's one of your caucus meetings.

An hon. member: Do you want to see the rest of the amendments?

Mr. Deputy Chairman: Order, please.

Mr. Nixon: You know when you are on a weak footing.

Mr. Charlton: There was a suggestion also from that end of the floor that if there was a reason to exempt anybody from the bill, the situation in Sarnia was that reason. I would like to suggest to this House that, if anything, the situation in Sarnia and the kinds of problems that the Sarnia area has caused for the construction industry, both management and labour, in the rest of the province, is one of the very real reasons why this bill is here in the first place.

Mr. Davidson: Mr. Chairman, I don't think it's necessary for me to go into too much detail with regard to the position of our party relating to the amendment that has been made, because it has been quite adequately done by the members for Hamilton East, Windsor-Sandwich (Mr. Bounsall) and Hamilton Mountain (Mr. Charlton), but I would like to say a few things.

I didn't have the opportunity, as most of the members of the committee had, to tour the province and to listen to all of the briefs that had been presented, because I substituted on that committee only for the clause-by-clause debate. There has been some discussion from the right side of myself—

Mr. Nixon: The correct side.

Mr. Davidson: —that we are somehow or other flip-flopping from a position that we had taken during the course of the discussions that were held during that clause-by-clause debate.

Mr. Nixon: Precisely.

Mr. Davidson: I want to make it perfectly clear once again that I do not believe there is any member who sat on that committee who did not feel that Hydro should be included in the bill.

Mr. O'Neil: Right. You're right.

Mr. Kerrio: Hear, hear. Right again.

Mr. Davidson: As a matter of fact, I will point out once again that the original amendment to have it included was made by the New Democratic Party. But—

Mr. Nixon: Flip-flop.

Mr. Mancini: However—

Mr. S. Smith: With the passage of time—

Mr. Nixon: Elie, how warm it is in that bed.

Mr. Davidson: But also I think when you are dealing with legislation here in the province of Ontario—and it is supposedly a responsibility of every member of this House to try to bring forward the best possible legislation for the conditions under which we are trying to create an atmosphere—

Mr. Nixon: And give Hydro what they want.

Mr. Davidson: —that you also have to listen to some of the things that the government says, because sometimes the government is not always wrong.

Mr. Lane: Right on.

Mr. S. Smith: Is that right, Bette?

Hon. B. Stephenson: Yes, it is in triple negative.

Mr. Davidson: Granted, it's wrong most of the time but not all of the time.

Mr. Mancini: This is the new coalition.

Mr. Deputy Chairman: Order, please.

Mr. Davidson: In fact, they brought forward to this committee a proposal that I am not even sure the Liberal Party expected that they would bring, because they are much closer to them than we are—

Mr. Nixon: Wait until the UAW hears about this, Breaugh.

Mr. Davidson: And I can assure you that we, as a party, did not expect that type of proposal would be brought forward by the government. But, in fact, it was.

Mr. Mancini: I wouldn't want your job, Mike.

Mr. Davidson: It gave us, as a committee representing the New Democratic Party, an opportunity to review again our position.

Mr. Nixon: And change it.

Mr. Davidson: Part of our position resulted from some of the very things that the Liberal

people within that committee had been saying themselves, not only within committee but that the Liberal leader himself has been haranguing the government about, that other members of the Liberal Party have been haranguing the government about; and that was the astronomical cost of Hydro to the consumer in this province.

Mr. Mancini: I am glad you know we are the opposition.

Mr. Deputy Chairman: Order.

Mr. Yakabuski: You can't have it both ways.

Mr. Davidson: There are several things that apparently they have forgotten since they have been doing all of this. What this inquiry will do, if nothing else, is in fact point out to us if there will be an increased cost to the consumer as a result of including Hydro in this legislation. If in fact there is, is the Liberal Party then going to continue to harangue on Hydro? Based on the additional \$25 million, or even if it's \$5 million, I couldn't care less, are the Liberals going to stand up and argue about that?

Mr. Nixon: Twenty-five or five?

Mr. Bradley: A flip-flop.

Mr. Davidson: And if as a result of their haranguing Hydro or this Legislature cuts back some of Hydro's expenditures, are the Liberals then going to be proud of the fact that as a result of their haranguing perhaps some of these very construction people we are talking about will be laid off of the very jobs that they might have had?

Mr. S. Smith: That is the most convoluted piece of reasoning I have ever heard.

Mr. Davidson: These are some of the things this inquiry will bring forward, and these are some of the things that perhaps you people should be taking a look at. We understand that you have a bag on about Hydro. We understand that's the big thing in your real world today.

Mr. Nixon: Lots of luck explaining that, lots of luck explaining that to the taxpayers.

Mr. Davidson: We understand that probably you did not look beyond your own nose when you looked at the proposed inquiry that was put forward.

Mr. S. Smith: It was yours.

Mr. Davidson: I can fully understand that; and I can fully understand your position, because as I said earlier I don't think there's one party in this House that disagrees that Hydro should be included. But let's get the facts first; and this Legislature then has as much right to have them included later as it has to have them in now and then taken out

later. Let's check what's happening before we make the move.

Mr. Lane: Right on, right on.

Mr. Nixon: Let it be known that the main applause comes from the Conservatives for that NDP speech.

Hon. B. Stephenson: Mr. Chairman, I don't think there's any doubt that there's significant rationale for the inclusion of Hydro, one of the major industrial builders within this province, in an Act similar to this or the same as this. But it has been said that the bill was developed ignoring the recommendations of the Franks report. I should like to remind the members of this House that indeed somewhat like the elephant, this bill has been two years in gestation. There is at this point a degree of urgency in the passing of the bill.

Mr. Mancini: That's because you kept withdrawing it.

Mr. S. Smith: You have had two years for the Hydro inquiry, why didn't you do it?

Hon. B. Stephenson: It is one bill that I feel should be brought into enactment as soon as possible, in order to proceed with the necessary methods to ensure that by this April there will be the mechanisms in place to permit both the trade unions and the employers to attempt to provide some peace and some order within the construction industry.

Mr. Nixon: We were ready to do it a year ago.

Hon. B. Stephenson: We were also ready to do it a year ago and it was not possible to proceed at that time.

However, we have not ignored the Franks report. It has been mentioned that the Franks report was favourable to the inclusion of the electrical power system segment in the industrial, commercial and institutional sector, from which it is now separated. A fair reading of that part of Mr. Franks' report, Mr. Chairman, would disclose that what Mr. Franks was actually putting forth were the views of some representatives of the industrial, commercial and institutional sector and others regarding the number of the sector.

On page 73 of Mr. Franks' report, he deals with upsetting projects and points out, I think quite clearly, that these require a special group to deal with associations, and that the provincial agreements would have to include appendices dealing specifically with such projects. We have looked specifically at the industrial, commercial and institutional sector, because this was the one area in which there was a great measure of agreement between employers and employees about the route which should be followed in order to

bring the kind of harmonious situation that we would hope to see within the construction industry. There has never been, I think, in the history of the development of any bill in this province, the kind of co-operation and the kind of mutual support which we have found in the development of Bill 22.

[9:00]

Although I recognize the rationale for the inclusion of Hydro, I would put it to this House that indeed it would be entirely disruptive to the passage of this bill to include any specific date at this time for the inclusion of Hydro. Therefore, in light of the comments that were made within the clause-by-clause discussions of Bill 22 by the committee, I did propose that we would appoint an industrial inquiry commissioner to examine the feasibility, the methods, the potential costs, the difficulties and the method by which to bring Hydro into this bill or into a similar bill; and that we would do it within a very short period of time, we are prepared to do so.

I would therefore ask the members of this House to defeat the amendment which has been proposed by the official opposition.

Mr. O'Neil: I have a few closing remarks in regard to some of the statements that were made by some of the members of the third party, and also by the minister.

Maybe we should let it be known that both of these parties are supporting Hydro in this particular case. I must say I think the members here who were not members of this committee should be aware of the fact that Ontario Hydro was given a chance to present a brief when this committee met in the city of Toronto. A brief was presented by them, and I know that they were well aware of some of the comments that were made across this province by some of the employers and some of the labour unions.

I think when that brief was given to this committee in Toronto it should have been a stronger brief, in light of their knowing some of the arguments to have Ontario Hydro included.

Things seemed to change around a bit, I recall, on the last two or three days of the committee meetings here in Toronto when Ontario Hydro was present at the clause-by-clause discussion. I know that our party members were invited out to lunch with the Deputy Minister of Labour and we were lobbied to see whether or not we would change our mind and go along with excluding Hydro altogether and going for this inquiry.

Mr. Nixon: The NDP must have had a better lunch.

Mr. O'Neil: We didn't go along with it. Mind you, the NDP were treated at dinner that night. It must have been a lot better dinner than it was lunch—

Mr. Mackenzie: You got short-changed.

Mr. O'Neil: —because when they came back they were for excluding Hydro and going for this inquiry.

Mr. Reid: It is amazing what a dinner will do.

Mr. Mancini: That's what you call a free lunch.

Mr. Kerrio: That's no free lunch, that's what it costs to support you.

Mr. O'Neil: I must say with regard to the inquiry that has been suggested by the minister—and I think she is possibly sincere in the setting up of this inquiry—what we as a party are afraid of is that in the past there have been too many inquiries that have been set up. We haven't heard back from them, or if we have heard back from them the results have not been brought before this Legislature, or in other words acted upon. It is our fear as I say, if this inquiry is set up at the early date which she has promised, that we may not get it as soon as possible and we may not be able to bring about the changes in this bill which we would like to see.

It was our proposal, I believe, or it may have been a proposal of one of the other parties, that if Ontario Hydro was included as of the end of April, 1980, and if the inquiry brought in evidence that substantiated their claim that it was going to cost the province more to have Ontario Hydro included, then at that time the bill could be brought back before this Legislature, the changes could be made and Ontario Hydro could be excluded or a specific date set for inclusion; that was our feeling on that particular matter.

Mr. Nixon: What could be more reasonable than that? We are going to have a balanced budget, almost, by then.

Mr. O'Neil: We have been accused—

Mr. Eaton: That would disappoint you, wouldn't it?

Mr. Deputy Chairman: Order, please.

Mr. Reid: We won't have to worry about you people bringing it in.

Mr. Nixon: You won't be there. You will be out selling white beans.

Mr. Deputy Chairman: Will the members of the House please allow the member for Quinte to continue?

Mr. O'Neil: We don't really believe, as has been suggested by some of the other members, that by including Ontario Hydro in this as

of April 30, 1980, we will destroy the bargaining system.

Mr. Nixon: Of course not.

Mr. O'Neil: We figure that we will tighten up on the bargaining system.

Mr. Mancini: And a number of other things.

Mr. O'Neil: We know that in this Legislature we have had discussions just over the last week on the overspending, in millions of dollars, by Ontario Hydro on some of its projects. We are for tightening up the bargaining system and the cost that Ontario Hydro is incurring for the people in this province.

Mr. Mackenzie: Why make the workers pay?

Mr. Samis: What are you insinuating?

Mr. Mackenzie: Why tighten up on the bargaining?

Mr. O'Neil: I think it was the member for Sudbury (Mr. Germa) who said: "They flipped over there, and you fellows flopped"; and I think that's very true.

Mr. Deputy Chairman: Would the member please ignore the interjections and continue?

Mr. O'Neil: I'm trying, Mr. Chairman, I'm trying very hard.

One of our members mentioned the chairman. I think the chairman did an excellent job during these hearings across the province and was very non-partisan. It's a pleasure to hear him tonight and have him say what he felt during those hearings, and yet he held back from saying them.

Again, too, it was mentioned by the chairman of the committee that we were faced over the lunch hour with a cost of \$25 million which was thrown at us by Hydro. We contend, in the Liberal Party, that that cost could have been in savings if we include Ontario Hydro and go along with this amendment. So the amendment stands as far as we are concerned.

Mr. Deputy Chairman: All in favour of Mr. O'Neil's amendment please say "aye."

All those opposed please say "nay."

In the opinion of the Chair the "nays" have it.

Shall this vote be stacked?

Agreed.

Are there any further comments on this bill? The member for Quinte.

Mr. O'Neil: Mr. Chairman, to save a bit of time, the next amendment that we will have will be the deletion of sections 137 to 140 of the Act, as set out in section 3 of the bill.

Mr. Deputy Chairman: Shall sections 126 to 136, inclusive, as set out in section 3 of the bill, carry?

Mr. Mackenzie: No, I have some comments on section 130 of the Act.

We moved an amendment in committee which I think it is worth mentioning. We did manage to achieve support on this one. I think it was the only one we got support on and that we could carry in committee.

You will notice in the revised bill the words underlined, "subject to the ratification procedures of employee bargaining agency." The bill, without that, simply said, and it may have been legitimate but it worried us, "shall vest in the employee bargaining agency, but only for the purposes of conducting bargaining and concluding a provincial agreement."

The argument was made by the ministry that, obviously, it would be subject to ratification of the trade that was involved. That did not satisfy us. We felt we had to make it very clear, because one of the concerns expressed out in the province was whether or not that ratification was going to go back through the normal procedures of the trade, since there are a variety of different ratification procedures used in the construction industry. We asked for the amendment, and I'm happy to say that particular amendment has been added to the bill and those are the underlying words in section 130.

Mr. Deputy Chairman: Is there any further comment from members on section 3 of the bill?

Mr. Bounsall: Mr. Chairman, I rise in connection with section 133 of the Act as set out in section 3 of the bill, not with an amendment, but a comment that in committee this was one section on which I moved an amendment very similar in intent to the amendment that was just spoken on by the member for Hamilton East, in the sense that we wanted to make it clear in the bill, as clear as we can to anyone reading it, what was expected and anticipated.

The member for Hamilton East mentioned that we had moved the amendment, which was carried, that we indicate somewhere in the bill that we expected a ratification vote to be taken on the provincial contract reached by the constituent local groups that form that particular bargaining group, even if the decision of that particular trade might be, in terms of ratifying, to pass a resolution letting its negotiating and bargaining committee conclude the agreement without referral back. That also is one of the ways of ratifying.

We wanted to make this clear, because of the concerns brought to us across the province by both management and labour groups about the local appendices, and how much would be included in the local appendices and would their local particular differences be recognized in a province-wide agreement, which is, of course, anticipated but not mentioned at all in the bill. This was the appropriate place to make a reference to the fact that there would be local appendices and that we expected local appendices, which would maybe be quite large at the beginning and disappear slowly with time to what would be, in most cases, one agreement covering the entire province; but which none the less, in any particular trade may, for example, to take into account the particular differences in camp type construction in the north, exist forever.

So we had at this section introduced an amendment in committee that said: "Nothing in this section prohibits the inclusion of appendices to the provincial agreement relating to designated regions," simply so that anyone reading this bill would be reassured. We expected that many of the contractors and construction workers unfamiliar with reading legislation would, in fact, pick this up and read it and wonder no doubt why there was no mention of local appendices.

This would simply be an assurance, by putting it in the bill, that we expected such things to exist, particularly at the beginning—it is very necessary at the beginning—and including it in the bill was simply a matter of clarity to assure both sides what our intent was and that nothing in the bill prohibited local appendices to be appended to the province-wide agreement.

Again, it was a clarificational and educational type of amendment for both sides in this bill. We regret to say very much that neither of the committee members from the other two parties saw fit to feel that this clarification, this additional piece of information in the bill, which would help to allay fears—not at the top level of the union or the top bargaining position in the employer bargaining agent, but someone just interested in what was happening—that there would not be local appendices.

I think we certainly could have included it with no loss of intent to the bill. We won't make the amendment, but I wanted to point out to the House that we did make it in committee and we felt it was a worthwhile amendment from the simple fact of clarity in legislation, something which we as legislators should strive to achieve.

Hon. B. Stephenson: I might simply say there is nothing in this bill which inhibits

the inclusion of local appendices and it seemed to us an unnecessary addition to bring this in.

[9:15]

I would defy the hon. member for Windsor-Sandwich to find anyone who would sit down to read Bill 22 as light evening reading in front of a fire, with a glass of cognac, or something of that sort. It is not something which the average individual is going to sit down and read; he is going to look at it for a very real purpose. If we can assist him in sorting out whichever difficulties he may have with the bill, the Ministry of Labour will be delighted to do so. But we didn't see the purpose of encumbering the bill with extra language, simply in order to make it enjoyable.

Mr. O'Neil: As clarification on some of the comments made by the member for Windsor-Sandwich it is our understanding also—and I think we have that commitment from the minister and from the ministry staff—that the local appendices are understood to be included as part of the bill, even though the explanation was not in the explanation part.

Mr. Mackenzie: I think to some extent that the explanation of the Minister of Labour is exactly why that should have been in. It is not the reading that you would sit down and do with a glass of cognac in the evening; it is because this bill will have a profound effect on the bargaining in the entire construction industry.

One of the things we ran into in the hearings across the province of Ontario was that some regions had established some local bargaining practices. They were fearful—that came through loud and clear right across the province—as to the loss of some of the things they had been able to negotiate on a regional or local basis. We felt that nothing may inhibit it, but nothing says that is the case in the bill, either. If you have had some experience with collective bargaining, you are very cautious about what rights you don't have in that particular legislation.

The other point I wanted to make just briefly on the same section and I believe the following one, is simply that we also argued at this point, and it was pretty obvious that it was a losing argument from the word go, but we argued the problem that probably causes as much trouble as any other issue in the construction industry in bargaining. That is the double-breasted unionism.

When a worker is organized and certified and when a collective agreement is signed, that covers that particular worker in that trade across the province of Ontario. But, unfortunately, it doesn't necessarily cover the

contractor. He is covered only in the region in which he is certified.

Mr. Kerrio: Or if he works for Hydro.

Mr. Mackenzie: This leads to as much trouble as any other particular problem in the whole construction bargaining situation.

We did have one amendment in that area and made some additional arguments, but obviously didn't have the support of the committee to carry the amendment.

Mr. Deputy Chairman: Any further comment on section 3 of the bill?

Mr. O'Neil: Mr. Chairman, if you are dealing with sections 137 to 140 of the Act as set out in section 3 of the bill, we will oppose those sections and ask for their removal from the bill.

Mr. Deputy Chairman: Do you wish to comment on the matter?

Mr. O'Neil: Yes, I do. Again there have been days and days of comments concerning the removal of sections 137 to 140 from the bill. We feel that the co-ordinating agency should not be legislated by the government. We feel that if there is going to be a co-ordinating agency it should be one that is formed by the contractors, by the employers themselves, rather than by legislation. We have a worry that if the government steps into this process they are stepping into a process I don't believe they have entered into before. It is something that the labour unions do not have by legislation on the other side.

As I said, we discussed these comments for days and days in committee. I think our views have been made known. Rather than prolong it, we ask for the removal of those sections from the bill.

Mr. Deputy Chairman: You are moving an amendment that section 137 be deleted?

Mr. O'Neil: Voting against it.

Mr. Mackenzie: I am glad that my colleagues on the right have come around on this particular issue. We moved this in committee. I guess one of the prerogatives of the official opposition is that you may get first crack at it in the House, but we moved it in committee. It required a one-week delay, as I recall it—they had to have a caucus to decide whether or not they were going to support us on this particular amendment.

I just want to make the point very clearly that there was no question from the word go that if there was a deficiency in this bill, in our opinion it was the co-ordinating agency, sections 137 to 140, which did in effect stack the deck as far as construction workers are concerned. And there was no question that it had to be removed.

We listened and listened carefully to the arguments in committee, but there was little doubt in our caucus fairly early in the game that this was the centre of most of the problem. It was an amendment that we moved and, quite frankly, we're very delighted to be able to support our colleagues on the right on this particular amendment, now that they've seen the light from our moving it in committee.

An hon. member: You need a third hand to pat yourself on the back.

Mr. Mancini: I also would like to rise in support of my colleague's amendment to delete sections 137 to 140 inclusive. We heard a great deal of debate on this subject in the committee. I dare say that 90 per cent of the unions were against the co-ordinating agency as were at least 50 per cent of the employers.

Mr. Kerrio: So the NDP didn't make up their own minds.

Mr. Nixon: We know who pulls the strings.

Mr. Mancini: I also would like to say that never before has the government ever taken such a drastic step as to legislate this type of co-ordinating agency. It has never done that for the unions and I don't think it ever will. I don't think that we should have it done for the management side.

I would like to say that they've had a co-ordinating agency in two other jurisdictions across this country, in British Columbia and in Quebec, and it has not worked out well at all. We have had prolonged strikes in those areas and the total bargaining system had broken down. I say we have to make Bill 22 so that it will work. I say to the House from all the briefs that we received and from all the knowledge that we have been able to obtain, if we leave sections 137 to 140 in the bill, this type of bargaining in the construction industry will not be successful.

One looks at section 137 and sees the extraordinary powers we are giving to this co-ordinating agency, such as to set a fee. I think the members of this House should know that the main organization which wishes to be the co-ordinating agency is \$150,000 in debt. When we asked them why they were in that debt position, they simply stated: "If we had to get the money, we're sure that we could." When the government legislates their fees, I guess they sure would be able to get the money. Also, we were unable to obtain from the minister what the constitution would read. We were also unable to obtain from the minister how this would stop multi-trade bargaining from prevailing in an atmosphere where it was to be single-trade bargaining.

All of these points were made very strongly in the committee. I'm glad to see the opposition is in agreement with this. It would have been voted down in the committee, except the chairman was a member of the opposition. I would want to point out to the members of this House, never in all the sittings of the committee had anyone substituted for the member for Wellington-Dufferin-Peel. On the final day, when we had the most important vote in the committee, all of a sudden, we had substitutes by members who had not sat one day in the committee.

Mr. Kerrio: They had their orders.

Mr. Mancini: It was just a little bit of hanky-panky. You knew darn well then that that those sections would not have carried, if the chairman had been a member of the government party. I think that our position has been put forth very plainly and strongly. I want Bill 22 to work. I'm sure it will, once we delete this section. I support the amendments proposed by my colleague from Quinte.

Mr. Bounsall: We, of course, placed this amendment fairly early in the committee stage of this bill, as soon as we got it. We are delighted that after a week's delay, which they took to consider their position on it, the Liberal Party members in that committee supported us on this.

Speaking to the content of the deletion, it never struck me as unreasonable if you had 20-odd—whatever number it turns out to be—employer bargaining agencies on the employers' side conducting bargaining in their particular trade fields, that they would not find it reasonable to meet together from time to time—in fact, rather compelling that they should meet together from time to time—to say: "What are you doing in the bargaining in your field?"

It simply makes such common, ordinary, good sense for that to happen. Yet in this bill, and from the representations from across the province to us from some on the contractors' side, and indeed from the officials from the ministry side, we are told that they are such individualists on the contractors' side of the construction industry that there would be no way this bill would work unless we legislated that representatives of these 25 or 24 bargaining agents must get together. We are also told that they are so incapable of pulling themselves together for what would be various obvious interested conversations from time to time that we are going to have to write their constitution for them, set the regulations for appointing a board of directors and legislate through regulations the fees which must be collected from the other contractors in the

province or the whole thing would fall apart. That just isn't reasonable.

We do know that there are two or three of the contractor groups that would show real reluctance to come together—some of the general contractors from Toronto, the mechanical contractors from across the province, I believe, and a few others. But it strikes me that it is to their detriment if they don't wish to get together informally from time to time. We should expect this. It makes no sense whatsoever to set into motion the legislation of a group on the management side, to set their fees and outline their duties, responsibilities and privileges, because they can't get together.

A lot of discussion at all of our presentations revolved around the formation of the co-ordinating council; in virtually all of our presentations it was mentioned. The management side, in the presentations they made to us, clearly saw this as a group that would have a lot of influence when they got together on the individual trade bargaining; they stated that, in fact, irrespective of section 140, which says that co-ordinating agency shall not exercise the bargaining rights held by the employer bargaining agency.

In the words of one of the submitters to us, "who is kidding whom?" When we legislate this body together, they are going to be there for the sole purpose of trying to influence the bargaining that goes on in every individual single trade. That is the reason they are there. That is the reason we would legislate them. It is in their own best interests to do it voluntarily. But, for heaven's sake, again, who is kidding whom? There is no way we are going to cause this group to come together under legislation of this House to do that kind of a job, which no doubt they would do, in trying to influence the individual trades, irrespective of section 140, because how can you enforce section 140? Who is ever going to know what goes on behind the closed doors of that legislated agency if these sections carry in the bill? They could go ahead and do the exact opposite of section 140 and no one would know.

[9:30]

If they want to come together voluntarily to do it, that's up to them. I suspect that they will and I suspect that the two or three which are determined to sit outside of that voluntary group with time will come. To me, it really makes little difference whether they come together or not. If I was a contractor and part of one of the employer bargaining agencies, I certainly would want to get to-

gether with my colleagues and transfer some information.

I would say the employer bargaining agency in each trade which does the bargaining has to collect some sort of a fee from the contractors who belong to their employer bargaining agency. For a very slight extra fee, if at all, you can provide enough funds for them to meet over lunch some place from time to time. But to set into shape by legislation a whole hierarchy which they have to attend and give them the right to collect a given type of fee from all the contractors in order to support that superstructure is not something we can support and simply is bad legislation.

I might say at this point that this is one thing in which the author of the report into province-wide bargaining in construction, Mr. Don Franks—who did a very good job, I should say, in that report and had to put up with us on the committee in the hearings across the province—disagreed with the members of the NDP in that committee and eventually, with the Liberals coming around to our point of view, the Liberals as well, I would say to Mr. Franks, you are not perfect in every respect. This is the one area in which you are flawed.

To the minister, I say it is obvious if we'd had the normal chairman situation in the committee these clauses would have been deleted in the committee. It is obvious when we are here with the numbers that the opposition have relative to the government, that these sections will be removed tonight. I would say to the minister that, faced with that inevitability, she would not fight this to the final stage but simply get up and acknowledge, however she wants to say it, why she wants these sections still in the bill but face and recognize the reality and simply remove them. If not, we will have to vote them out and that will happen.

Hon. B. Stephenson: I appreciate the solicitous comments made by my hon. colleague from Windsor-Sandwich but there are some points I think should be made regarding sections 137 to 140. Although the concept of multi-trade bargaining has been rejected as unworkable and retrogressive by all of the parties in this portion of the construction industry, it is equally recognized that province-wide bargaining in single trades cannot exist in a vacuum and particularly within the ICI sector. There must be intertrade links of communication and that has to be on both sides of the bargaining table.

At the present time, on the trade union side there is a very effective co-ordinating me-

chanism. There has been a history of interchange of information, of interunion co-operation through the provincial building trades council, and it has been effective. It would be, I suppose, Utopian if indeed we could anticipate that voluntarily the employers in this sector would come together with that kind of unified approach to the implementation of the progress of Bill 22. However, it is our information that past efforts in this area have been singularly unsuccessful and that some specific kind of moulding mechanism was necessary, if this were to come about.

There isn't any doubt in my mind that the employers are capable of developing within legislation any kind of co-ordinated information-sharing agency. We have not specified any group exactly that should be doing this, nor do I intend to, because I believe that they have initiative and enough interest in this to come together in the kind of group which will be acceptable to the vast majority of the employers within the ICI sector of the construction industry. There does have to be some balance.

When we're looking at this proposal I think we should look at it not from the actual drafting of the legislation but from our concern about the success of the process. If the process is to be successful, balance has to be achieved on both sides. This is an unusual step, there's no doubt about that, but this is an unusual bill. There has never been this kind of labour legislation introduced in the province of Ontario before. It is an experiment.

It's an experiment which we think will work. We think that it will assist trade unions and assist employers to work together co-operatively in an effective kind of way to ensure that the kind of disruptive programs and incidents which occur in this portion of the construction industry will be less likely to occur in the future.

I feel rather strongly that one of the major mechanisms of this bill is being deleted on the motion of the official opposition and supported by the third party. I want this bill to be successful. It is my understanding and my strong feeling that the way we can make it successful at this time is to develop within it the information-sharing agency on the employers' side, which would provide the balance. I would urge the members of the opposition to withdraw their opposition to the inclusion of these sections at this time.

It is quite possible that within a relatively short period of time this section of the bill will not be necessary, and it is quite possible when this process really begins to roll that indeed it might be deleted. But for the initia-

tion of this process by this bill we feel that an information-sharing mechanism for employers is essential—

Mr. S. Smith: That is the opposite of what you just said about Hydro.

Mr. Kerrio: We will trade you off for Hydro.

Hon. B. Stephenson: —therefore I would support the retention of these sections.

Mr. S. Smith: Mr. Chairman, I'm very happy to speak on this portion of the bill. I'm particularly happy to rise just after that rather surprising suggestion by the hon. Minister of Labour, with regard to sections 137 and 140, that if we were to find later on that we didn't like them for some reason we could always remove them at that point. When the same minister rose in this House not an hour ago with regard to our attempt to include Hydro in the bill, and our statement that if we then didn't like it and it sounded too expensive, we would have two years to remove that portion of the bill, she said that was impossible. "Better to leave it out now and we can always put it in later."

Hon. B. Stephenson: I did not.

Mr. S. Smith: Yet on this occasion she says we can always take it out later. So apparently whether we put it in or we take it out sooner or later, seems to depend very much on the point of view of the minister about the individual amendment in question.

Hon. B. Stephenson: Stuart, I do wish you would listen.

Mr. Nixon: She wants to have it both ways.

Mr. Germa: You should understand that.

Mr. S. Smith: As to the sections we are now discussing, we've given considerable thought to this matter because we recognize the history of construction trade bargaining in Ontario is, shall we say, a chequered one. We recognize that the large number of contractors compared to the relatively small number of unions, the lack of organization among the contractors compared to the, I think, excellent organization which is a credit to the union movement, has made it very difficult for the contractors to ever adopt even the slightest concert in their efforts or the slightest co-ordination.

Many of them are very sensitive about this and they recognize that on a voluntary basis their history of co-ordinating their activities has been a dismal one at best. They therefore have come—not all of them but in part—to the minister and they have come to us with the request that there be some co-ordinating agency legislated into the Act. They feel that somehow or other they can go to their errant

members and their errant friends and wave a copy of the Act at them and say, "You see, there is an agency in the Act," and that somehow then people would co-ordinate their efforts.

Of course, in the first place, looking at it just from the point of view that these people have brought to the attention of the Legislature and giving them the benefit of consideration at the very least, there is no guarantee that the simple legislating of such an agency would bring about a co-ordinated approach anyway. Secondly, if they want such an agency, there's absolutely nothing to prevent them from organizing such an agency without the benefit, dubious as it may be, of legislation.

In the third place, as I have pointed out to many of these contractors, if the bill is accepted with the sections that are presently printed in the matter before us, the contractors will find that they must from time to time prove that that co-ordinating agency "adequately represents" the contractors as a whole.

That whole procedure of proving this, that whole procedure of being subject to the regulations that the Lieutenant Governor in Council may, in wisdom or otherwise, from time to time bring down in this province, is something that frankly I think the contractors are very foolish to want to get involved with. I think they are much better off to have the freedom of organizing their activities any way they please, co-ordinating themselves any way they please, without having inscribed in any form of legislation and subject to any regulations, a number of procedures to prove the adequacy of their representatives and so on and so forth.

I believe, frankly, that it is not in the interests of the employers to try to form this type of co-ordinating agency. I have told them very frankly that I believe they are overreacting to the long history they have had of squabbles among themselves and difficulties co-ordinating their efforts. In fact, under the present circumstances, they are obligated to band together anyhow into bargaining agencies for each of the trade by trade bargainings. Consequently, we're not speaking now of hundreds or thousands of individual contractors. We're only speaking of what is it—the minister can correct me, 14, 24—

Hon. B. Stephenson: Twenty-five.

Mr. S. Smith: —a relatively small number of individual bargaining agents that have already been an amalgamation, so to speak, of large groups of contractors. It should not be an insurmountable problem for these peo-

ple to, from time to time, communicate with one another—which is what they propose the co-ordinating agency would be, an agency for communication—it should not be an insurmountable obstacle for even 25 of these groups to chat with each other from time to time about how things are going.

Mr. Nixon: They probably belong to the same club.

Mr. S. Smith: In any case, I do believe from their own point of view they'd be better off outside the realm of legislation and having to prove that every time some contractor might say that that agency isn't adequately representing him there would have to be some procedure by which we could judge whether or not a majority truly—

Hon. B. Stephenson: The Labour Relations Board.

Mr. S. Smith: —were in favour of the organization. The Labour Relations Board would have to get involved. What do they need this for? They can have all the co-ordination they like without having to go through the nonsense of being able to wave a useless piece of paper which would somehow or other in their minds bring certain errant contractors into line, which it would, in fact, have no power to do anyhow.

So we see the Act confers nothing but trouble upon the contractors and, in any case, it gives them no benefits they wouldn't have without the Act.

Let's look at it from the point of view of the union people. They have, as you can well understand, a fair amount of concern about how this new experimental approach to bargaining is going to work. Nobody knows what the future holds in this case. All of us hope in good faith that the best interests of the people of Ontario will be advanced by this bill, and that's why the bill will pass, but naturally there's nervousness on both sides.

It's terribly important, it seems to me, therefore, that this bill start in an atmosphere of acceptance and a willingness to co-operate and a willingness to show a certain degree of trust and acceptance on both sides of the bargaining table.

The labour unions feel, and with some justification, I suspect, that the co-ordinating agency issue, the issue of trying to legislate a co-ordinating agency, is to some extent either the thin edge of the wedge or—

Mr. Foulds: To coin a new phrase.

Mr. S. Smith: —a remnant of some kind related to the desire on the part of the employers to have multi-trade rather than single-trade bargaining. Many of the unions

have spoken on this matter—the minister is aware of this—and the unions have a fear that this is some effort to try one way or another to bring about a multi-trade situation instead of a single-trade system, because most of the contractors are very frank in the fact that they would have preferred multi-trade, and it's the unions' reticence to go any further than single-trade bargaining at this time which has brought about Bill 22 and its many previous incarnations under different numerical designations.

Our feeling, therefore, is that the unions have shown good faith in this matter. There is no similar legislated group on behalf of co-ordinating unions one with the other. The unions have shown a willingness to try this. The contractors have shown a willingness to try this. It's, to be colloquial about it, a new ball game, frankly. I think the contractors are still a trifle nervous about this because of their past experience. I think they should give the new ball game a chance.

We believe this bill is basically a good bill. We believe the work that's gone into it in the committee has basically been constructive and excellent work among members of all parties on the committee, and we are very pleased about that.

[9:45]

With regard to sections 137 to 140, however, we think the labour people are correct from their point of view of not wishing to see inscribed in the legislation a somewhat one-sided piece of work, as such sections would be; and from the point of view of the contractors, we frankly think that their desire to see this in the law is understandable but, in my view, misguided. I think their own interests and the interests of working people and the interests of all Ontarians will be far better served by leaving that out of the legislation and allowing the contractors, among their bargaining agents, to work out their own means of co-ordination and communication which, I'm sure, would be quite acceptable to everyone in Ontario. That's why we will support the deletion of sections 137 to 140.

Mr. Pope: As I understand the arguments that have been raised with respect to the deletion of sections 137 through 140, particularly the last comments by the hon. Leader of the Opposition they are that in the absence of a systematic agreement between employer and employee with respect to compulsory multi-trade bargaining there should be no legislated agreement between employers and employees with respect to single-trade collective bargaining throughout the province.

I might say that that is not my understanding. I believe that the hon. Leader of the Opposition stated his position that those employer agencies, or organizations, that submitted to the resource development committee their support for the concept of a co-ordinating agency to deal with province-wide collective bargaining on a single-trade basis were misguided. I believe that was his comment. He also indicated that he felt that contractors have shown a willingness to try a voluntary system.

All I can say with respect to the Leader of the Opposition is that the reading of the brief submitted to the standing committee with respect to this matter has not shown that the contractors have a willingness to try a voluntary co-ordinating agency. In fact, the majority of their briefs submit that there is need for a mandatory co-ordinating agency. These are people who have been dealing with the problems of province-wide collective bargaining, or the lack thereof in Ontario, for a period of years now. Their submissions and their problems were brought before the committee. It was their feeling, based on their experience, with some exceptions, that there is need for a mandatory co-ordinating agency to provide some balance and to provide some system of order in the collective bargaining relationships between employers and employees.

The comments that I heard and I read on the briefs with respect to some contracting associations which did not support the concept of a mandatory co-ordinating agency had to do with the fact that they felt that, to some extent, their own specific trade, or their own specific area with respect to multi-trade bargaining was sufficiently organized as it was. I would submit that, on balance of the submissions made to the committee by the employers, there's no basis at all for saying that the contractors have indicated a willingness to try a voluntary co-ordinating agency system. In fact, exactly the opposite is taking place.

I think that any reasoned analysis of the submissions shows that if we are to have an effective single-trade, province-wide, bargaining system in Ontario with respect to certain sectors of the construction industry, that we will need to have the type of agency that has been envisaged by sections 137 to 140 of the Act and, therefore, that the amendment proposed is not in accordance with the wishes generally, or the type of bargaining relationship that is desired in Ontario. Nor is it in accordance with the wishes of the majority of contractors who have made their feelings

known to the committee. For that reason, I think that this amendment should be opposed.

Mr. Charlton: I rise in support of the amendments. Sections 137 to 140 of the Act provide for me, at least, and I think for most of us on this side of the House, the one major contradiction in this bill. When we are going through it, it was said over and over again that many of the sections were silent on the structure that the bargaining agents would take on both sides—the union side and the employer side. It was said that they were silent because the ministry didn't want to interfere in the internal structures of those organizations—that the organizations should be able to establish them and make them workable on their own.

Then we get to the end of the bill—sections 137 to 140—and we find exactly the opposite view. Because the contractors have complained that they haven't been able to co-ordinate voluntarily, we are going to legislate it. We are going to interfere in the internal structure.

During the committee hearings, I heard from the minister and from the ministry officials conflicting points of view about the union side in terms of co-ordination. Some felt that the unions were doing an effective job of co-ordinating and others from the ministry felt that they weren't. But whichever the case, there is certainly nothing in the bill which sets up a mandatory co-ordinating agency for the employee side, and that's a contradiction. The bill is supposed to be providing balance in the construction industry in Ontario.

It seems to me, as has been suggested by a number of the speakers, that this is a new ball game. To a large degree, in the bargaining agencies on both sides, there is going to be a smaller number of people involved—20 or 25 bargaining agencies. In a much larger situation there are some serious questions in everybody's mind about exactly what direction the negotiations are going to take—in terms of local appendices and all of the other things we have talked about. Here both sides will find co-ordination almost absolutely necessary in their process. They are not going to be in a position to not talk to each other, as they have been in smaller groups at the local level.

The one thing that frightens the trade union side about this mandatory co-ordinating agency is not only their own internal fear of what legislating a co-ordinating agency will mean, but it is a fear that's born from having sat in on the hearings and listened to a number of the contractors' side saying quite clearly and emphatically that the co-ordinating agency had to be there and had to be

mandatory so that very definitely they could control the mavericks on the contractors' side and bring them into line. And that's not what the bill says that co-ordination should be about.

Co-ordination, according to the minister and the ministry staff, is supposed to be an exchange of information. But it was made quite clear to me, and I think most of the members of the committee, that the contractors felt quite strongly that the influence would be great and that the ability of, as they called them, "mavericks" to flee the fold would be lost.

For those reasons we are very happy to see the opposition party move these amendments as we very strongly felt the position ourselves and moved these amendments in the committee ourselves. We feel very strongly that not only are we going to support these amendments, but that if these sections remain in the bill we will find ourselves in the position of not being able to support the bill.

Mr. Chairman: All those in favour of sections 137 to 140, inclusive, as set out in section 3, will please say "aye."

Those opposed will please say "nay."

In my opinion, the nays have it.

This will be stacked for a vote at 10:15.

Sections 4 and 5 of the bill agreed to.

SUCCESSION LAW REFORM ACT

House in committee on Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Mr. Deputy Chairman: I would point out to the members of the committee that at a previous sitting we carried through to section 53, the end of part II.

Is there any further discussion, comments or amendments on this bill?

On section 54:

Mr. Lawlor: I want to talk about section 54, and part IV, having to do with survivorship. Just before I do, and in line with an alteration that has been made, I want to mention for the record and in Hansard that part IV on survivorship was formerly part III with respect to the next preceding earlier bill. There have been so many of them that it is somewhat difficult to keep track.

This is the new edition and it has been added to. With your permission, Mr. Chairman, I would ask the Attorney General if those brand new sections in part III in the designation of beneficiaries, which I know we are over—just one question if you will—had been properly presented to, let's say, the

will's section of the bar association and thoroughly perused—because to date, apart from the work in this House, it hasn't been canvassed or analysed. Has that received full approval?

[10:00]

Hon. Mr. McMurtry: Mr. Chairman, I can't give the member for Lakeshore any specific assurance in respect to the wills and trusts section of the bar association. As I think the member for Lakeshore appreciates, what we're concerned about is the uniformity of legislation throughout the Dominion of Canada, and these sections are really based on the recommended Act that has come from the uniformity law commissioners.

I'm confident that the bar association will support these particular sections, but I can't give you any specific assurance that it has given its specific approval. Again, it's based on the recommended uniform Act, and I think the member for Lakeshore would agree it is certainly in the public interest to make these sections as uniform as possible throughout the Dominion.

I know that these sections, for example, have been adopted by the previous government of Manitoba and the present government of Alberta.

Mr. Lawlor: Mr. Chairman, it would be an abuse of procedure if I pushed it very much further. I have just, if you will, one further word on these designations. When you, by a piece of paper which is not a will, designate for the purpose of an insurance company or a pension fund a new beneficiary without shrouding it in sufficient safeguards with respect to fraud or with respect to alteration, I would have thought that that would be a matter of fair contention. It is a shame, in a way, that the particular sections which are completely new and inserted into the last edition were not given greater approval.

If the Commission on the Uniformity of Laws in Canada finds that acceptable, then who is the mere member for Lakeshore to take umbrage? Nevertheless, I find it very questionable and I think you should look at it. That is too easy a way to change the designation. You surround the will with all kinds of safeguards to see that it is done properly with the witnessing and where the signature goes, but with a slip of paper you can alter where your insurance money is going to go.

I'll go on, Mr. Chairman, if I may. We're on to survivorship, section 61, the old section 54. This is a commendable change. I can't spend a great deal of time on it. Previously, if, in a common accident, the two parties

died, it was deemed that the younger spouse would survive the elder and that led to a whole series of great faults because the estate would go over to the younger and the heirs at law, next of kin of the younger would be the beneficiaries if there were no children, if there were no issue, and the older, whoever that might be—usually the husband—his next of kin would get nothing.

They now say it works back and forward whether there's a will or not or whether it's an intestacy, that the estate then, both being dead, will go off to their separate next of kin in the absence of issue. That's a fairly complicated but beneficial change. I have just one question on section 63—

Hon. Mr. McMurtry: Just as a matter of information, Mr. Chairman, I have an amendment to section 57.

Mr. Deputy Chairman: Could you hold that for just a moment?

Hon. Mr. McMurtry: It is just really as a matter of information for the member for Lakeshore that I wish to amend that section. And I am hoping my amendment may alleviate some of his concerns, Mr. Chairman.

Mr. Lawlor: It would be mere niggling to say "no" wouldn't it? But it has been passed hasn't it, Mr. Chairman?

Section 54 agreed to.

Sections 55 and 56 agreed to.

On section 57:

Mr. Deputy Chairman: Hon. Mr. McMurtry moves that section 57 except subsection (b) of the bill be deleted and the following substituted therefor: "Where a participant in a plan has designated a person to receive a benefit under the plan on the death of a participant:

"(a) the person administering the plan is discharged on paying the benefit to the person designated under the latest designation made in accordance with the terms of the plan in the absence of actual notice of the subsequent designation or revocation made under section 55, but not in accordance with the terms of the plan."

Mr. Lawlor: I think I would require further clarification, Mr. Chairman.

The section as it now is states that in substance. It goes on in subsection (b) and says "the person designated may enforce payment of the benefit payable to him under the plan but the person administering the plan may set up any defence that he could have set up against the participant or his personal representative."

I don't quite understand why, if there is a defence against the payment out on whatever grounds there may be, is that adequately

preserved then in the legislation as it has been amended, and, in effect, why did you think there was a grave necessity to amend the section in a fairly thorough way?

Hon. Mr. McMurtry: Mr. Chairman, subsection (b) remains as it is, but I think what we are concerned about here is, of course, where there is actual notice of a subsequent designation or revocation made under section 55. And while I think it is quite obvious that the trustee in these should have some protection, it is important that where there is actual notice of a change then that notice have some effect.

Mr. Lawlor: Mr. Chairman, it's okay.

Mr. Foulds: I don't want to appear niggling on this point but the opposition has been informed that we were supposed to get our amendments on the Friday before they were presented to be discussed in the House. It would be appreciated if the other side would do the same. Is this a new one you just thought up over the weekend?

Hon. Mr. McMurtry: No. That is certainly my understanding, Mr. Chairman. I thought we had advised the opposition parties of this amendment. I may be mistaken in that respect. Yes, I am advised that the Clerk was advised of this amendment on Friday.

Mr. Foulds: That's the error. Would you be good enough to also inform the House Leader?

Hon. Mr. McMurtry: That's fair enough, Mr. Chairman.

Motion agreed to.

Section 57, as amended, agreed to.

Sections 58 to 68, inclusive, agreed to.

On section 69:

Ms. Gigantes: Mr. Chairman, we gave notice of this motion last week to the Attorney General. It is a motion to delete section 69, subsection 1, clause (a), subclause (xii), which reads: "where the dependant is the spouse of the deceased, a course of conduct by the spouse during the lifetime of the deceased that is an obvious and gross repudiation of the relationship."

I would like to speak to that if I could, Mr. Chairman.

I discussed this with the Attorney General and his advisers last week and was assured by the Attorney General that this clause was necessary to the implementation of the bill because it meant that the court could have regard to conduct of an applicant under section 69 which otherwise the court would be lacking. But I would draw to your attention, Mr. Chairman, the fact that in clause 69(b) which reads: "In addition to the evidence adduced by the parties appearing, [the court]

may direct such other evidence to be given as the court considers necessary or proper," which means, as far as I can understand it, that the court may ask for any kind of evidence it considers necessary or proper.

I think there is a principle involved in the kind of clause we see in section 69(1)(a)(xii) which I would like to question and this is why I move for deletion.

At the very least this clause, in this context, it seems to me, should spell out that the course of conduct by the spouse that is to be considered should be confined to the period during cohabitation, and not the lifetime of the deceased. I move for deletion because, although I inquired of the Attorney General on this point and was assured by him that there were English precedents on the question of "obvious and gross repudiation" involved in this clause, the cases which he subsequently cited to this House involving English precedents talked of "obvious and gross conduct," and the clause we see before us is a clause that refers to "obvious and gross repudiation."

If the Attorney General has any knowledge of English precedent that deals with obvious and gross repudiation of a relationship. I haven't heard it. I think this is a very dubious kind of element to be raising in our law and I would simply like to see it deleted.

Hon. Mr. McMurtry: In reference to the member for Carleton East's reference to section 69(1)(b), which she points out allows the court to ask for evidence, again inherent in that is that the evidence must be related to a relevant issue. The conduct, in my respectful submission, could only be considered relevant if it is listed in section 69(1)(a). One of the illustrations that I gave to the member and I appreciate her concern—is, for example, a dependant might for example cause the death of the deceased and it may not be during cohabitation, and that—I think it's trite to say that that would amount to a rather gross or obvious repudiation of the relationship.

I think what we're concerned about here, and I appreciate we're going to have confront this issue in relation to the family law reform bill, but when we're dealing with an application for support of a dependant, we are, in effect, being asked to deprive the testator, the deceased, of his or her wishes in relation to who are the named beneficiaries. The clause is in the interest of the named beneficiaries who should not be prejudiced by an application brought on behalf of someone who qualifies technically as a dependant, but who by reason of their conduct should

not be in a position to interfere with the expressed wishes of the testator.

Last week I referred to some English authorities, hoping to assist the members of the Legislature in demonstrating the very narrow area that this language was intended to deal with so far as the nature of conduct is concerned. We're satisfied that we're only dealing with conduct in the most extreme cases.

Ms. Gigantes: Extreme repudiation. That's a difference.

Hon. Mr. McMurtry: That's right—but in the most extreme cases. I think we're dealing with a much narrower area than the area I know is of some concern to the member for Carleton East in relation to our family law reform bill, where we are talking about issues between living spouses.

Here we're dealing with a deceased spouse who has indicated his or her wishes with respect to who their beneficiaries are going to be. We're simply concerned that the court be given the opportunity to deprive a technical dependant of making a claim on an estate and therefore possibly defeating the interests of the designated beneficiaries. Someone who, considering these circumstances—and we're talking about pretty extreme circumstances—should not be given that right.

I don't think I can assist the member for Carleton East or anybody else in indicating why we support the section as it stands and are not prepared to accept the amendment.

Mr. Chairman: Order, please. Will there be any further discussion on this section?

Ms. Gigantes: I would like to say—

LABOUR RELATIONS AMENDMENT ACT

Mr. Chairman: Order, please. I believe there was an agreement with the House leaders that the division would take place on Bill 22 at this time. So we will continue the debate on this particular section when the committee again reconvenes.

Call in the members.

The committee divided on Mr. O'Neil's motion to amend section 125 of the Act, as set out in section 3 of the bill, which was negatived on the following vote:

Ayes 22; nays 73.

The committee divided on the question that sections 137 to 140, inclusive, of the Act, as set out in section 3, stand as part of the bill, which was negatived on the following vote:

Ayes 44; nays 51.

Mr. Chairman: These sections of the Act shall be struck from the bill.

Section 3, as amended, agreed to.

Bill 22, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendments, and asked for leave to sit again.

THIRD READING

The following bill was given third reading on motion: Bill 22, An Act to amend the Labour Relations Act.

On motion by Hon. Mr. Welch, the House adjourned at 10:40 p.m.

CONTENTS

Tuesday, October 25, 1977

Labour Relations Amendment Act, in committee	1167
Succession Law Reform Act, in committee	1187
Labour Relations Amendment Act, reported and third reading	1189
Motion to adjourn, Mr. Welch, agreed to	1190

SPEAKERS IN THIS ISSUE

Blundy, P. (Sarnia L)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Bradley, J. (St. Catharines L)
 Breaugh, M. (Oshawa NDP)
 Campbell, M. (St. George L)
 Charlton, B. (Hamilton Mountain NDP)
 Davidson, M. (Cambridge NDP)
 Eaton, R. G. (Middlesex PC)
 Edighoffer, H.; Chairman (Perth L)
 Foulds, J. F. (Port Arthur NDP)
 Germa, M. C. (Sudbury NDP)
 Kerrio, V. (Niagara Falls L)
 Lane, J. (Algoma-Manitoulin PC)
 Lawlor, P. D. (Lakeshore NDP)
 Mackenzie, R. (Hamilton East NDP)
 Mancini, R. (Essex South L)
 McClellan, R. (Bellwoods NDP)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 O'Neil, H. (Quinte L)
 Pope, A. (Cochrane South PC)
 Reid, T. P. (Rainy River L)
 Rotenberg D.; Deputy Chairman (Wilson Heights PC)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Worton, H. (Wellington South L)
 Yakabuski, P. J. (Renfrew South PC)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, October 27, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

THURSDAY, OCTOBER 27, 1977

The House met at 2 p.m.

Prayers.

QUEBEC DOCTORS

Hon. Mr. Timbrell: Mr. Speaker, I rise on a point of privilege to clarify a statement attributed to me in a *Globe and Mail* editorial this morning and in an article yesterday.

Mr. Deans: Is somebody saying nasty things about you?

Mr. Speaker: Can we have some order, please? May I remind you that this is a point of privilege?

Hon. Mr. Timbrell: I was quoted as having said, and I quote from the article and the editorial: "I don't know if we will have to restrict the flow of doctors from Quebec." My remarks were taken out of context and then further distorted in the headline to imply that I may restrict the flow of doctors.

The oversupply of physicians is a current concern of most provinces, including Quebec. It was that concern which I was addressing. You will recall that my predecessor succeeded in getting some federal immigration controls implemented on physician manpower. The subject was again addressed at the recent federal-provincial health ministers' conference in Ottawa last June, where it was agreed to examine and strengthen the mechanisms for ensuring that no post is offered to a potential immigrant physician if a suitable Canadian is available. Further, there was agreement that there is an oversupply of physicians in Canada. No specifics have as yet been addressed as to how this problem will be solved.

When I speak of the flow of physicians, I refer to the production as well as the supply, which includes the flow into and out of medical schools, and the necessity for inter-provincial agreement in this area. Obviously, then, this is a matter on which further discussion will take place between the provinces.

I am a Canadian first, and my federalist stand is well known. I have addressed the subject of national unity on more than one occasion—

Mr. Lewis: Oh, what a splendid chap, a splendid fellow—if ever one wanted a Canadian, there he stands.

Hon. Mr. Timbrell: Thank you very much.

The suggestion that I would discriminate against any other Canadian is as offensive as it is ill-considered.

Mr. Lewis: Are you going to compile a dossier on Doyle?

Mr. Speaker: Order.

STATEMENTS BY THE MINISTRY

BRUCE NUCLEAR PLANT

Hon. J. A. Taylor: On Tuesday, the Leader of the Opposition (Mr. S. Smith) suggested that I resign because he alleged—

Mr. Deans: We accept, we accept.

Hon. J. A. Taylor: —that I stood in this House "day after day" declining to provide information in regard to the Lummus construction of the Bruce heavy water plants.

Mr. Lewis: Good Lord, do you have to give credibility to his every statement?

Hon. J. A. Taylor: Further, he has stated and impugned on three occasions, October 17, October 18, and Tuesday last, that I, as Minister of Energy, was not familiar with the facts concerning this matter.

Firstly, as Hansard will document, I have answered every question put to me by the Leader of the Opposition, or by any other member of this House, in regard to the construction, costs and progress of the Bruce heavy water plants. Twice on October 17 the Premier advised the Leader of the Opposition that I was both fully knowledgeable about the matter and quite prepared to provide the information.

In his arrogant assumption of absolute knowledge, the Leader of the Opposition declined to ask me about construction of the Bruce heavy water plants.

Mr. Lewis: You must be on the Liberal Party payroll.

Hon. J. A. Taylor: On Tuesday, October 18, the opposition leader did raise the Lummus-Bruce matter and I was able to report that the board of Ontario Hydro—

Mr. Reid: Point of order.

Mr. Speaker: There is nothing out of order. It's a ministerial statement and the hon. minister may continue uninterrupted. I would like to remind hon. members that everybody in this chamber has a right to be heard. This is a legitimate way in which the minister can explain the policies of his ministry.

Mr. McClellan: Especially ministers.

Mr. Speaker: Do him the courtesy of allowing him to be heard.

Mr. Sargent: He is being very controversial.

Hon. J. A. Taylor: On Tuesday, October 18, the opposition leader did raise the Lummus-Bruce matter and I was able to report that the board of Ontario Hydro had reviewed the entire matter on the previous day; that Hydro had authorized Lummus' completion of plant B; and had conditionally approved Lummus' continuance of their contract on plant D, subject to review on August 1 next.

I confirmed that the initial \$1 billion estimate of 1975 had been revised this past summer to \$1.3 billion. Further, I clarified for this House that approximately half of the increased cost was within the Lummus area of responsibility and the other half was within the area of Hydro's responsibility and I offered to provide additional information if he so requested. The Leader of the Opposition then erroneously concluded that Hydro's costs on this project had increased by 100 per cent, an arithmetic error which I was obliged to correct.

Mr. Sargent: How much was it?

Hon. J. A. Taylor: In reply to further questions from the leader of the third party, I further elaborated the decisions of the Hydro board on the previous day.

Mr. Lewis: What is this third party stuff?

Hon. J. A. Taylor: On Tuesday, October 25, the Leader of the Opposition asked whether I would give my approval that the board chairman of Ontario Hydro provide information that he had requested personally of the Hydro chairman. I replied that the Hydro chairman did not require my approval and that I had every confidence that the information requested of the chairman would be forthcoming. Moreover, regardless of my approval, which was neither necessary nor requested, the Leader of the Opposition had, in fact, been in repeated communication with the Hydro chairman between August 9 and October 18, when he profusely thanked the chairman of Ontario Hydro for his helpfulness and frankness.

Mr. Lewis: Obsequiously—not just profusely.

Hon. J. A. Taylor: But let the record show that the Leader of the Opposition was never, by letter or by phone or in person, in contact with either myself or the Hydro chairman prior to August 9 in regard to the construction of the Bruce heavy water plants.

Mr. Reid: This is a statement.

Hon. J. A. Taylor: Let the record show—and I table the correspondence—that in April, 1976, Hydro was well aware of problems at Bruce.

Mr. S. Smith: Were you?

Hon. J. A. Taylor: Moreover, tradesmen engaged on the project made allegations of inefficiency—

Mr. Sargent: When are you going to resign?

Hon. J. A. Taylor:—and my predecessor, the member for Don Mills (Mr. Timbrell) pursued these allegations with the Hydro chairman. It was in May, 1976, in consequence of Hydro's own audit procedures and those allegations, that Ontario Hydro ordered a complete review of the Lummus-Bruce project.

Let the record show that in July this year I discussed at length with the Hydro chairman the allegations then raised by a former Lummus cost control employee. On August 9, in furtherance of these discussions, I wrote to the Hydro chairman asking for a full report on this matter.

If the Leader of the Opposition had bothered to contact either myself or the Hydro chairman prior to his press conference on July 25, he might have saved himself the embarrassment of such irresponsible claims as "Hydro is uninterested in controlling costs," or that Hydro should have built the heavy water plants itself, let alone his need to apologize for the intemperate attack on the Lummus-Bruce labour force which was made at that press conference.

Mr. Ruston: Is this a budget speech?

Hon. J. A. Taylor: Indeed, it was not until two weeks after he bought cheap headlines with rumour, innuendo, imputation and allegation that the Leader of the Opposition bothered to write the chairman of Hydro to find out what he, the Leader of the Opposition, was talking about.

Mr. Lewis: Tom Coleman never wrote this kind of stuff for me, I will tell you.

Hon. J. A. Taylor: This letter of August 9 gratuitously began by thanking the Hydro

chairman for "Hydro's rapid response to my questions of last month."

Mr. Conway: We want Norris Whitney.

Hon. J. A. Taylor: This puzzled the Hydro chairman, who had not previously had any correspondence or conversation with the Leader of the Opposition. It was subsequently revealed that the opposition leader was referring to the flow of questions and answers emanating from press conferences.

First the Leader of the Opposition milks headlines with rumour and allegations. A fortnight later he makes his first attempt to confirm or substantiate his charges. Then, having been in communication with the chairman of Hydro for more than two months—

Mr. Ruston: Are you going to resign?

Hon. J. A. Taylor: —without ever contacting me on the matter, he asks my authorization for Hydro's response. At the same time he abuses the time of this House by pursuing answers here that he had already received from Hydro.

Mr. S. Smith: Do you actually believe what you are saying?

Mr. Breithaupt: What are you doing?

Hon. J. A. Taylor: In documentation of all this, I am tabling herewith my letter of August 9 to the chairman of Ontario Hydro and the chairman's comprehensive reply to me of August 26, together with seven documentary attachments. I may say that I would have provided this correspondence at any time, but the Leader of the Opposition, in assuming his own breadth of knowledge and my ignorance of the matter, did not bother to ask.

Further, let me table a copy of the Leader of the Opposition's letter to the Hydro chairman on August 9, asking elaboration of press conference replies, together with the Hydro chairman's reply one day later.

Next, I table the Leader of the Opposition's letter of September 16 requesting a copy of the Hydro-Lummus agreement on the Bruce heavy water plants, together with Hydro's compliance, which was hand-delivered on September 29.

Further, let the record show that the Leader of the Opposition met with the Hydro chairman, at the latter's invitation, for one hour and 30 minutes on the afternoon of October 13 to discuss the Lummus-Bruce matter. It was at this meeting that the opposition leader asked further questions which Hydro staff are now in the process of responding to. I table herewith the board chairman's memorandum of that meeting.

And further, let the record show that on October 18, the Leader of the Opposition

wrote again to the Hydro chairman, thanking him for his hospitality, acknowledging "the helpful discussions," appreciating the chairman's "frankness," and stating that it was "our desire to scrutinize Hydro . . . not to attack you personally."

Mr. S. Smith: That's right.

Hon. J. A. Taylor: Since this correspondence clearly refutes the opposition leader's entirely unwarranted criticism of my discharge of ministerial responsibilities, I ask, Mr. Speaker, that the Leader of the Opposition be obliged to withdraw his statements, allegations and imputations of October 17, October 18 and October 25—

Mr. Lewis: Oh, you are too much. You are just too much.

Hon. J. A. Taylor: —with regard to my conduct in this House—

Mr. Lewis: Why are you doing this? Why are you setting him up?

Hon. J. A. Taylor: —my knowledge of the Lummus-Bruce matter and my discharge of ministerial responsibilities in that regard.

Hon. Mr. Bernier: Give him a radio program.

Hon. J. A. Taylor: Moreover, I ask that the Leader of the Opposition acknowledge the willingness of both myself and the chairman of Hydro to provide all relevant information requested. And finally I ask that the Leader of the Opposition apologize to this House for the abuse of its time in asking questions for which he had already had the answers.

Mr. Cunningham: That was silly.

Mr. Reid: Point of order, Mr. Speaker.

Mr. Speaker: I don't know that there is anything out of order.

Mr. Reid: You haven't heard me yet.

Mr. Speaker: I have checked our standing orders. Obviously the only order of business that has been heard up until now is statements by the ministry. We have heard a statement by the Minister of Energy that seems to me to be four-square within ministerial statements. You can disagree with the content, if you wish, and you will take up your objections to it at the proper time. It is not a point of order.

Mr. Reid: Abuse of the House, that is what it is.

Mr. Speaker: The Minister of Consumer and Commercial Relations has a statement.

Mr. Reid: It is to our advantage to hear him; I will tell you that.

[2:15]

RENT REVIEW

Hon. Mr. Grossman: Mr. Speaker, the Hon. Jean Chretien, federal Minister of Finance, announced last week that the basic guideline on wage increases will be six per cent for the coming year.

As the minister responsible for the rent review program, I am concerned about the effect this guideline will have on the maximum permitted increase in rent. Under the provisions of section 5(1) of the Residential Premises Rent Review Act, the maximum permitted increase in rent is the lesser of eight per cent or the rate of increase as determined under the Anti-Inflation Board guidelines, which uses the consumer price index, or any lesser amount as may be prescribed by regulation.

Because of the present upward trend of this index, the maximum percentage increase allowable under the Act would, in all likelihood, be eight per cent, while wages are frozen at six per cent.

In view of this, the government of Ontario is concerned with the protection it is giving tenants for the remainder of the rent review program. For this reason, we have today passed a regulation to limit maximum rent increases allowable, without rent review, to the same percentage as the federal guideline on wages, which is six per cent, effective immediately.

Mr. Breithaupt: We had an election over that.

Mr. Lewis: Thank you, thank you. Maybe we should fight an election over it.

Hon. Mr. Grossman: We feel that this action is necessary to protect the interests of the tenants of the province on such a basic necessity as accommodation.

Mr. Lewis: You are too much.

Interjections.

Mr. Speaker: Order, please.

Mr. S. Smith: This was worth an election a few months ago.

Mr. Speaker: Order.

Hon. Mr. Grossman: We also appreciate the hardships this could cause for some landlords.

Mr. Reid: Called a flip-flop.

Hon. Mr. Grossman: We acknowledge, specifically, that the program impacts most severely on small landlords, especially those with four units or less.

Mr. S. Smith: It is our amendment to the bill.

Mr. Speaker: Will the Premier (Mr. Davis) and the Leader of the Opposition deacease? Desist! Desist!

Hon. Mr. Davis: Mr. Speaker, on a point of order.

Interjections.

Mr. Speaker: The only person who is out of order is the Speaker, and he has taken note of it.

Will the hon. Minister of Consumer and Commercial Relations continue with his statement? And will hon. members of the House do him the courtesy of hearing him?

Mr. Deans: What he was telling the Premier was to drop dead.

Mr. Lewis: That is the first public sign of the Speaker's party affiliation.

Hon. Mr. Grossman: As I was saying, Mr. Speaker, we feel that this action is necessary to protect the interests of the tenants of the province on such a basic necessity as accommodation. We also appreciate the hardship this could cause for some landlords.

We acknowledge, specifically, that the program impacts most severely on small landlords, especially those with four units or less, I have, therefore, directed the executive director and staff of the rent review program to give high priority to applications from these small landlords.

For all persons applying to rent review, we will assure that there will be quick access to our program and cases will be dealt with efficiently.

I want to reaffirm the government's intention to achieve an alternative to the rent review program by way of a complete package of tenant protection, while recognizing that the government's stated position is to withdraw from government-controlled rental programs.

Mr. Sargent: In other words, you called the election for nothing.

INDUSTRIAL MILK REGULATION

Hon. W. Newman: Mr. Speaker, I had intended to make a somewhat lengthy statement today on the Canada bulk conversion program for industrial milk, and the objections which have been raised by the Old Order Amish. However, Mr. Speaker, the Amish have today launched an appeal to cabinet for exemptions from the conversion regulations. Under the circumstances, and in fairness to them, I am announcing that implementation of the regulation which was to have taken place November 1 will be postponed until cabinet has reached a decision on this appeal.

Mr. Lewis: You should change your policy now, today.

Hon. W. Newman: The member's party was contacted, and they made their own decisions. It's on the record.

Mr. Lewis: Don't even meet about it, just rescind the regulation.

Mr. Speaker: Order, the Minister of Agriculture and Food has completed his statement, I take it.

Interjections.

Hon. Mr. Davis: You're going to deacease too, if you're not careful.

Mr. MacDonald: There is going to be a mass burial around here.

Mr. Martel: Just getting rid of some of the dead wood.

Hon. Mr. Welch: Mr. Speaker, it was the intent of the Minister of Transportation and Communications (Mr. Snow) to make a statement today relative to a statement made by the federal Minister of Transport. Unfortunately, he's been detained at a function in his riding and I'm wondering if at this time we could take note of that, and once he returns we could have consent of the House to revert to statements, in order for him to make his statement when he gets here.

Mr. Speaker: Is it understood that the hon. Minister of Transportation and Communications will be heard with a ministerial statement on his arrival, and if it happens during the question period we'll deduct that amount of time from the question period.

Mr. Foulds: Add it.

Motion agreed to.

ORAL QUESTIONS

HYDRO CONTRACTS

Mr. S. Smith: I will direct a question to the Minister of Energy. What was the price that Ontario Hydro contracted to buy uranium from Gulf Minerals Limited in 1974? Will he now confirm that Ontario Hydro, in fact, paid \$2 more per pound than even the recommended cartel price for uranium, and what escalation factor has been added to the base price due to the provisions of this contract? Will he tell us exactly how this contract will affect hydro costs to consumers?

Hon. J. A. Taylor: The contract that was entered into between Hydro and Gulf Minerals in 1974 does not provide for delivery until 1980. So that, first of all, there will be no impact on current hydro rates. The base price at that time was \$12.50 a pound. If you carry that forward in terms

of the escalation clause, because the contract provided for escalation, based on increases in costs of materials and wages, royalties and taxes as well—

Mr. Kerrio: Profit.

Hon. J. A. Taylor: —that price, if the uranium was being delivered today, would be \$17.50 a pound. I remind the Leader of the Opposition that the current world price is \$42 a pound in American dollars.

There isn't any impact on hydro users at the present time, and I would expect that these contractual arrangements would, in fact, provide lower hydro costs for hydro consumers in the future because of the arrangements that were made in 1974 for deliveries of uranium between 1980 and 1985.

Mr. S. Smith: Supplementary question: Would the minister direct his attention to my first question which was whether in fact Ontario Hydro paid \$2 a pound more than even the recommended cartel prices at the time? We're all well aware that by buying in 1974, they are doing better than had they bought in 1980 for 1980 delivery. But we're talking about the conditions prevailing in 1974. Can the minister also tell us whether anyone in the Ontario government approved that contract, and will he table the contract?

Hon. J. A. Taylor: May I say that according to the Nuclear Exchange Corporation—there is an index, as you may or may not know—the world price varied between \$7 and \$15 a pound in 1974. Again, I repeat that the price wouldn't impact—

Mr. S. Smith: Cartel price.

Hon. J. A. Taylor: —because the delivery hasn't been made yet. It won't be made until 1980. I don't have the information on whether there was an order in council in connection with the execution of that contract. I would surmise that there may very well have been. I would be happy to get that information and, as a matter of fact, I invite the Leader of the Opposition to pursue the matter as much as he wishes with the chairman of Ontario Hydro.

Mr. Mancini: What are you doing there? You're the minister for it.

Hon. J. A. Taylor: The hon. member is at liberty to do that, as he very well knows.

Mr. Conway: You're redundant.

Hon. J. A. Taylor: Maybe he has that information already.

Mr. Speaker: The hon. member for Carleton East with a supplementary.

Ms. Gigantes: Mr. Speaker, it's not a supplementary really, except in the sense the minister did not—

Mr. Speaker: If it's not a supplementary don't ask it.

Ms. Gigantes: That being the case, Mr. Speaker, it is a supplementary. I'd like to ask the Minister of Energy whether he will table the contract.

Mr. Lewis: Come on. That's the crucial question.

Mr. Breithaupt: We already asked that.

Interjections.

Hon. J. A. Taylor: As I indicated to the Leader of the Opposition, I will get particulars of the contract and will—

Mr. S. Smith: Table the contract.

Mr. Grande: Table it.

Hon. J. A. Taylor: As far as I'm concerned, I'd be happy—

Mr. S. Smith: But?

Hon. J. A. Taylor: —I'd be happy to table the contract—

Mr. S. Smith: You are the Minister of Energy, unfortunately.

Mr. Lewis: Well then, do it.

Hon. J. A. Taylor: —as we table all the contracts. However—

An hon. member. No, just one.

Hon. J. A. Taylor: —I am not giving my undertaking today to do that. I will pursue that and give a reply to the hon. member another day.

Mr. Lewis: Come on.

Mr. S. Smith: Supplementary: While the Minister of Energy, in charge of energy in this province and representing the government that apparently approved the contract, is deciding whether some other force on high permits him to table the contract, could he also at the same time simply answer the question, yes or no, is that contract for \$2 more a pound than even the recommended cartel price at the time?

Hon. Mr. Davis: Your Prime Minister says there is no cartel.

Mr. Martel: Say yes or no.

Mr. Kerrio: Your Tories are talking differently in Ottawa.

An hon. member: He's not sure.

Mr. Ruston: Always passing the buck.

Mr. Speaker: Order, please. The hon. Leader of the Opposition has asked a question. If members want an answer, please allow the minister to make a reply.

Mr. Eakins: Yes or no?

Hon. J. A. Taylor: First of all, Mr. Speaker, may I clarify for the House that I did not approve that contract. I have some knowledge in connection with the figures, which I've given to the House today. I also indicated earlier in reply that I'm not aware as to whether or not there was an order in council in regard to the authorization of that contract.

I undertook to pursue that matter and also to pursue the matter in terms of the request for tabling.

Mr. Lewis: What does he mean "to pursue the matter?" Supplementary: Why in this Legislature must there also be a touch of conspiracy whenever uranium is discussed? Why can the minister not guarantee today to direct Hydro—

Hon. Mr. Davis: Oh, come on, Stephen.

Mr. Lewis: That's true. Why can the minister not table the contract that this government, through Hydro, entered into? Why is the minister equivocating?

Hon. J. A. Taylor: Mr. Speaker, there's no conspiracy except in the mind of the member for Scarborough West.

Hon. Mr. Davis: This government didn't enter into a contract.

Mr. Lewis: Sure, you did. Ontario Hydro did.

Hon. J. A. Taylor: I've been open and frank about these matters. I don't think there is anything to hide. What I've indicated today is that—

Mr. Foulds: We want to find out if there is anything to hide.

Hon. J. A. Taylor: —because of the purchase arrangements of Ontario Hydro, and the facts make this apparent, the cost of electrical energy in Ontario is lower because of that.

Mr. Warner: Table the contract.

Interjections.

Mr. Sargent: Supplementary: The Premier told the House the other day he would think about putting before the House the contract pending between Denison Mines and Hydro, a \$1 billion contract for uranium.

Mr. Yakabuski: The member wouldn't be in business if it wasn't for Kincardine.

Mr. Sargent: I didn't ask the minister this last time because I didn't think he had any answers, but does he have any answers to this point: Is the minister going to bring this pending \$1 billion contract before the House, or is he going to allow the negotiations to go on, or what point are we at

now? Is it in the hopper now, or what's going on?

Hon. J. A. Taylor: If the hon. member had asked me that before, I would have responded similarly. The contract has not been finalized as yet. That contract will go to cabinet and an order in council will, in fact, authorize that contract when it's settled. At that time, a determination will be made in terms of tabling the contract or examination of it by anyone. Until then, I don't think it's accurate to speculate in regard to its terms.

Mr. Sargent: Does the Premier understand what the minister is saying?

Mr. MacDonald: Supplementary, just to clarify this point: The minister has conceded that a contract like that signed by Hydro in 1974, and now the one under negotiation and hopefully approaching finalization with Denison Mines, has finally to be authorized by an order in council.

Mr. Lewis: Precisely.

Mr. MacDonald: Why does the minister not table the contract as quickly as the order in council has been passed?

Mr. Lewis: That's right. It's your contract.

Mr. MacDonald: The minister can do that now, can he not, for the 1974 contract, and will he assure us that he will do it as soon as he has finalized the Denison contract?

Mr. Lewis: You are playing the cartel game. That is what you are doing.

Hon. J. A. Taylor: Mr. Speaker, if the member for York South had been attentive, what I said was that I did not authorize the 1974 contract.

Mr. MacDonald: The government did.

Hon. J. A. Taylor: I was not Minister of Energy at that time, I was not in the cabinet at that time—

Mr. Grande: You won't be much longer either.

Hon. J. A. Taylor: —and I do not know whether an order in council authorized the execution of that contract.

Mr. MacDonald: You do. You are hiding it. You should be deceased.

[2:30]

Hon. J. A. Taylor: I said I would determine that, I would find that out for the hon. member. So don't jump to confusion.

Mr. MacDonald: I can't match the minister's.

Interjections.

Mr. Reed: Supplementary: Considering that so far in this discourse the minister has not answered the original question about the \$2

over, and considering the publicity that has been connected with this contract in recent weeks, would the minister support the idea of having this question examined by the anticipated select committee on Ontario Hydro?

Hon. J. A. Taylor: I have no objection to any of this being examined.

Mr. Conway: I think the minister should be examined—and not by this House.

Hon. J. A. Taylor: Again, the question which has been repeated seems to assume that the price to be paid by Hydro on delivery of uranium in 1980 will exceed the world price by \$2 a pound. What I'm saying is that is not the fact. There is a base price that is provided for uranium which, of course, escalates year by year. If we look at what the price is today—we can't look at a base price; we must look at the price per pound—we will find that the price per pound today is in the same area of \$17 a pound. What I am pointing out is how can you say that is \$2 above the world price when the world price of uranium today is \$42 per pound in terms of American dollars?

Mr. Breithaupt: World price?

Mr. S. Smith: The cartel recommended price.

Mr. Speaker: We've had sufficient supplementaries on this. The hon. Leader of the Opposition has a question.

Mr. Lewis: On the basis of his performance today, does the minister not think he should resign—in the public interest?

Hon. J. A. Taylor: Mr. Speaker—

Mr. Speaker: Order. The hon. Leader of the Opposition has the floor.

Mr. Lewis: No, that doesn't require an answer.

LAYOFF OF NICKEL WORKERS

Mr. S. Smith: Regarding, once again, the matter of Inco layoffs, has the Premier attempted to obtain an explanation from his Minister of Labour (B. Stephenson) or from Inco executives as to why the layoffs were not discussed in advance with the Ontario government when it is reported that Inco was meeting with the federal government to discuss contingency plans two weeks before the news was made public, as it was so dramatically just a little while ago?

Hon. Mr. Davis: Mr. Speaker, I really can't speculate on why or even if, in fact, discussions were taking place between Inco and the government of Canada. I know that the information that was given to me, came on that Wednesday afternoon about 4:30 to 5

o'clock. While I read a great deal in the press about many issues, I really haven't had it confirmed to me that in fact Inco discussed it with some federal officials two weeks prior to that date.

Mr. S. Smith: By way of a supplementary, accepting the Premier's answer, of course, and in view of the article in the Financial Post, which says, "Trudeau says Labour Minister John Munro began discussing 'contingency measures with the Inco people' two weeks before the news broke," can the Premier assure the House that he will look into this matter and find out why he was not consulted earlier, and can he tell us what steps he will take to be sure that he is consulted from now on before any major lay-offs of this kind occur in the province of Ontario?

Hon. Mr. Davis: I am not going to raise any legal problems that emerge in situations of this kind. I expressed my concern at the time that we hadn't had somewhat longer notice. I am not sure actually what would have resulted by us knowing a few days earlier. A concern expressed by some involves what will be found under our own securities legislation. When matters occur of this significance, that will have some impact on the financial community, our legislation requires that disclosure is to be made by way of a public disclosure. This is so that no one is privy to information for a period of time which might give that person or persons some advantage in terms of the market or share value of that particular organization.

I think in general terms that is very wise legislation. If memory serves me correctly, some members opposite even voted for it. This may come as a surprise to the Leader of the Opposition, but the concept of disclosure I think is relevant. I will endeavour to confirm for the Leader of the Opposition whether there were discussions which indicated the extent of the layoff, or that there were in fact to be layoffs, between Mr. Munro and officials of Inco some two weeks before it was made public.

Mr. Lewis: Supplementary, if I may, Mr. Speaker: In the context of the Premier's discussions with Inco, can he report anything further to the House?

Hon. Mr. Davis: Mr. Speaker, I really had anticipated this would have been the first question but we all have our priorities I guess.

Mr. Laughren: You know what your priorities are.

Hon. Mr. Davis: I must say that we had a very lengthy meeting this morning.

Mr. S. Smith: I would have thought there would have been a statement.

Hon. Mr. Davis: Mr. Speaker, I say with great respect, we met until nearly 1 o'clock. It has required a great deal of attention on the part of a number of us, and I quite genuinely anticipated, in the light of the interest expressed, and I think properly so, that the first question would have been, "Is there anything to report?" So I am now answering.

We had our discussions on this matter that gives us all very great concern. I raised with the officials of Inco some of those questions that have been raised by the members opposite, some that we raised as a result of certain press reports and so on. There is a meeting scheduled tomorrow morning in Ottawa. I believe that either three or four ministers from here will be attending that meeting. I have personally invited, I believe it's the chairman of the region, the mayor and union representatives to meet with me on Monday morning. I don't want to come to any conclusions as yet.

The one point I think is essential—I have expressed this to some members opposite and I know what politics is all about—but I just will not be part of any approach which might raise any level of expectation in the minds of those people who are very directly affected that is not realistic.

I think it is also important to point out to the Leader of the Opposition and to the leader of the New Democratic Party that part of my responsibility as Premier of this province also has to relate not just to the several hundreds of employees whose employment will be terminated but to the security and the protection of the jobs of those 14,000 people who continue to be employed by the largest nickel producer in the world.

If I can offer any advice—and I hope it's understood in the way I am suggesting it—I hope my discussions with Inco have been along these lines. Inco is geographically located here, and there are thousands of Canadian shareholders of that organization and an awful lot of them with 100 shares or less who are very dependent on the future of that company. There are also people in the money markets and elsewhere who are watching pretty carefully the discussions that are going on and what is being said.

I will not in any way create any impression of false hope in terms of those specific jobs. But the one thing I was reassured about this morning, the part that to me is important in the long-run, was the assurance from the chairman of the board of Inco—and I know there will be people in Sudbury who are con-

cerned about six months from now, a year from now, and two years from now—his very firm statement to me that any suggestion on any press speculation that Inco was moving out and that it did not have confidence in the Sudbury basin, the work force and its ability to compete in the world market was totally and utterly ludicrous. Inco is in a position to be and will continue to be a viable operation, providing thousands of jobs in the Sudbury basin.

At the same time, it is evident there are bright spots. I am sure this will emerge in the discussions which I hope will be held in a constructive way and in a way that is worthy of the members of this House because Inco will come before the standing committee. They will not need to be subpoenaed or summonsed. They will come because it is my view they want an opportunity to share with members opposite the problems with which they must contend.

There are one or two bright spots, not as they relate to Sudbury, but in terms of the potential of job opportunities for those people who are directly affected. Inco has already had inquiries—these are very bona fide inquiries—as to the availability of men who will no longer be employed by Inco. There will be discussions between the union and the company as to the questions of seniority, if a person does leave the employ of Inco to go to work somewhere else for a period of time. These are matters that I think properly should be discussed between the union and the company.

I hope the members for Sudbury (Mr. Germa), Sudbury East (Mr. Martel) and Nickel Belt (Mr. Laughren) will understand that I am not saying what I am going to say next as being a solution in the terms of the problems of Sudbury. I am also concerned, as we all are, as to the job opportunities that are available for those people who have been affected. The company has already had requests for some 400 people for immediate employment—at least between now and March, but some of it immediate from Syncrude, some 280 at Rio Algom, some 130 at Denison, and some from Cominco. In fact, there is a fairly long list which I think at this point in time is far from complete as to job opportunities that will be available to those employees.

I also discussed with Inco the situation at Thompson, Manitoba, not in any way interfering with that great new government that is now there—

Mr. Swart: Transitional.

Hon. Mr. Davis: —but on the basis that the rate of attrition at Thompson apparently—

Mr. S. Smith: This is a statement.

Hon. Mr. Davis: I am trying to anticipate as many supplementaries by trying to tell the members all I can. The Leader of the Opposition says that this is a statement, Mr. Speaker. I will be guided by you and I will sit down at your suggestion any time you say. I am really just trying to share as much as I can with you.

Mr. S. Smith: It is appreciated, but it should be a statement.

Hon. Mr. Davis: All right, all right. If the Leader of the Opposition thinks I am taking too long, I can't help it.

Mr. S. Smith: I didn't say that.

Hon. Mr. Davis: I discussed the Thompson situation; they initiated it. Apparently the attrition rate at Thompson is much higher than it is in Sudbury. I believe the company is prepared to suggest to the union that there will be jobs in Manitoba. I don't say this is palatable to a number of the workers and I am not going to argue this, except to say there will be jobs. There will be over 800 jobs—I may be low on that figure—available over that period of time in Manitoba through attrition. The employees of Inco in Sudbury will be given the first opportunity to move to those jobs.

This doesn't solve the problem of Sudbury. But, at least to the extent one can be optimistic at any of these situations, there are job opportunities in other places. From our standpoint, because to me it makes sense, I hope that, in our meetings tomorrow, on Monday and at what other further meetings take place, the potential of Rio Algom and Denison is explored first and foremost, because I guess if one is being relocated it is better to be relocated 100 and some miles away rather than several hundred. From our standpoint we shall be prepared to do anything we can do to expedite those discussions or negotiations.

[2:45]

I will be getting further information for members of this House. As I say, the company is quite prepared to come before the standing resources development committee. I would like the understanding of the House that I would like the meetings tomorrow and Monday to be concluded to see if there is something new or perhaps something that might be included in the committee's deliberations, and some time early next week we would frame a resolution that would enable the standing resources development committee to deal with this issue in what I urge—and I say this most sincerely—be a

constructive, appropriate way for members of this House.

I'm concerned about this year and I'm concerned about February, but I'm very concerned about two years from now and five years from now in terms of not only Sudbury but the perception of the mining industry, the perception of this province and this country in the outside world, because while we may not always like to deal in that way, the fact of the matter is we must.

I can assure the members of this House that other people are watching these discussions and these debates as closely as we are and I hope we approach these discussions with that in mind.

Mr. S. Smith: Supplementary: Since I agree with the Premier that the Sudbury basin is, in fact, competitive with the rest of the world and shall remain so, can he confirm that in his discussions with Inco the officials of Inco did, in fact, confirm with him—as is suggested in the Financial Post as well—that the Sudbury basin could produce nickel as cheaply, or more cheaply, as nickel being produced next year from Inco's plant in Indonesia for entry into the Japanese market?

Hon. Mr. Davis: These are matters of judgement, but certainly I gained the impression, and perhaps partially because I wanted to be persuaded, that in terms of Inco's competitive abilities, in terms of the work force, in terms of the technology, in terms of the plant that is available and in terms of the ore body itself, that Inco can compete effectively—maybe I'm a little prejudiced—with any other part of the world. That may not be totally accurate—

Mr. S. Smith: Absolutely. I agree with you. You are right.

Hon. Mr. Davis: —but certainly can compete with Indonesia.

Mr. Laughren: Supplementary: Is the Premier not telling us, in his own inimitable fashion, that, in fact, Inco is not prepared to alleviate the problem of the job loss to the Sudbury area—in other words, is not prepared to stop the layoff? Furthermore, did the Premier put to the company the request by the union which would alleviate the problem to some extent, did he support the position of the union, and what was the response of the company?

Hon. Mr. Davis: I had a list of some 10 or 11 matters that were raised, primarily, I think, by the union in the discussions yesterday. I understand that two or three of those matters are presently under discussion be-

tween the company and the union. I would anticipate that these matters will be part of the discussions tomorrow and with me again on Monday. I gave to the company the best information that I had that emerged from the discussion yesterday. I think there were some 10 or 11 points—they may not all have come from the unions—and suggested that these be considered, and that I expected these same points would be raised with me on Monday.

So I think it's fair to assume—unless I didn't have knowledge of all of the matters that were raised yesterday, and I think I did—that these matters were placed before the company in our discussions this morning.

Mr. Haggerty: Supplementary: I'd like to direct a question to the Premier concerning his remarks about the meeting this morning with Inco. I believe he said he was going to have a meeting next week with the mayor of Sudbury and union officials. Would he not include the same representation from the city of Port Colborne and from the local union at the Inco refinery at Port Colborne? I can tell the Premier that the layoff of personnel at the Inco refinery in Port Colborne is just as important there as it is at Sudbury or any other community in Ontario, because it has reduced the work force there by 30 per cent. I would suggest consideration should be given to those groups.

Mr. Speaker: The question has been asked.

Hon. Mr. Davis: Mr. Speaker, I am not sure whether at this moment I can tell the hon. member that I can arrange it so that they are part of Monday morning's discussions. But if the hon. member is asking me whether I would meet with the mayor of Port Colborne and union representation from that community, the answer to that, of course, is yes.

Whether we can schedule that, or whether it makes sense to have the two at the same time; and whether there is any different set of circumstances whereby they might prefer to have a separate discussion, are things I will explore. But the hon. member can rest assured that I would be more than prepared to meet with representation from that community.

Mr. Speaker: A final supplementary; the hon. member for Sudbury.

Mr. Germa: On the long-term projections for the future of the city of Sudbury, is the Premier aware that Inco now has two ships on the Pacific Ocean exploring the seabed nodules and that they are scheduled to start coming ashore in 1983? Was it part of his discussion as to what will be the future

of Sudbury when seabed nodules start coming ashore?

Hon. Mr. Davis: It was impossible to cover every area this morning. I would only state to the hon. member that while there is a certain exploration going on—and I think this is something that would be very appropriate for the committee to discuss with Inco—the impression I have is that no matter what further exploration is going on, their commitment to the Sudbury basin—and we are probably talking about a \$2-billion capital investment; in fact in today's dollars, it will be substantially higher than that, and that is already based in the Sudbury area.

I just repeat that this is an area that I think is worthy of discussion. Without knowing the first thing about it from a technical standpoint, I think one has to be optimistic that the demand for nickel will continue to increase over a period of time at—who knows—four, five or six per cent a year. Obviously new sources are going to be found over the next 10, 15 or 20 years but, in this total process, the plant—and, just as importantly, the work force—in Sudbury is such that it will remain competitive.

I think it is a very valid question. I don't think it is immediate in terms of the present situation, but perhaps it could have some impact in the longer term although, if the hon. member wants an uneducated guess, I would say, knowing very little about it, that it would not affect the long-term prospects for the community of Sudbury.

Mr. Speaker: It had been agreed that we would hear a ministerial statement from the Minister of Transportation and Communications when he arrived. We will hear that now and I will add this time to the question period.

STATEMENTS BY THE MINISTRY

URBAN TRANSPORTATION ASSISTANCE PROGRAM

Hon. Mr. Snow: Thank you very much, Mr. Speaker, and I thank the hon. members of the House for agreeing to hear this statement at this time.

I have now received a letter from the Hon. Otto Lang, Minister of Transport, Canada, informing me that the federal government has approved an urban transportation assistance program. It is one of the most unresponsive and disappointing transportation programs put forward by the federal government in years. Because this new proposal seriously affects Ontario's plans for transportation development, I would like to take this oppor-

tunity to outline the situation for the members.

Over the past three years the federal government has indicated that it would be willing to support the development of urban public transportation. These were not casual or "maybe" commitments. They were public statements of the federal government's intent to give its full support to this important program. In fact, in 1974, just prior to the last federal election, they promised \$100 million for this purpose. They repeated their expression of support again in 1975. In fact, I believe it was included in two Throne Speeches.

Specifically, Ontario had verbal assurances that they would share in the financing of 80 bi-level coaches, soon to be delivered for GO Transit, and in the cost of the Toronto transportation terminal redevelopment project which covers improvements to Toronto Union Station and its rail corridor for both GO services and inter-city rail services.

Then in August, 1976, the federal government began to back away from their promises. Their first move was to propose the lumping of the urban transit related programs with the railway relocation and crossing programs within one fund. At that time I voiced my objections quite strongly, to both Mr. Lang and his colleague Mr. Macdonald, on the basis that it constituted a federal withdrawal from their commitment to the program.

Mr. Conway: Just Darcy's arithmetic.

Hon. Mr. Snow: At that time I also felt that we had reached a clear understanding that the two programs were totally different and should be funded separately. I also expressed my concern to Mr. Lang that the federal government's hesitant attitude placed the entire Toronto transportation terminal project in jeopardy.

Last July 4, I again met with Mr. Lang to discuss this project and I came away with the impression that enough Ottawa funds would be available, over and above announced programs, to cover interim improvements to both commuter rail facilities at the Toronto terminal and to inter-city rail service.

It was my understanding that these funds were over and above allocations for rail relocation and grade crossings.

Ontario had agreed to pay for the Union Station improvements and the federal government agreed, in principle, to share the first stage of improvements to the rail corridor. The basis for the share costs was to be calculated on the percentage of use by—and

the benefit to—inter-city rail services which share the use of the tracks with GO Transit.

We were so confident an agreement was inevitable that staff from my ministry met with their counterparts from the Ministry of Transport, Canada, and drew up the final details for the design and cost sharing. I concurred with the agreement that was reached at this level, and in discussions with Mr. Lang I felt certain that he did too.

Now I have received the federal government's latest proposal regarding the urban transportation assistance program. I find this rather stunning in light of our negotiations with Mr. Lang and his associates.

Mr. Mancini: You said that last time.

Hon. Mr. Snow: First of all, it reverts completely to the same proposals that were made last August; that is to lump urban transit related programs, and railway relocation and crossing programs in one fund.

Although Mr. Lang states that funds from the newly-announced program could be used for the Toronto transportation terminal project, this is unrealistic in light of Ontario's provincial and municipal needs for railway grade separations, which are required for the safety and convenience of the travelling public; and Mr. Lang is very much aware of this situation.

What they do propose is the allocation of \$2 per capita to each province each year for five years. For Ontario, this will represent a total of \$16.5 million per year. These funds are expected to cover: Rail grade separations on provincial and municipal roads; rail relocation studies; implementation of these studies; commuter rail assistance; urban transportation assistance.

As far as Ontario is concerned, this is expecting too much from too little.

Let me explain for a moment. In 1976 Ontario and its municipalities received over \$14 million in federal assistance under the railway grade crossing program alone. In 1977, this current year, this assistance should total approximately \$18 million. Priorities at the moment for new grade crossing work indicate that the province and its municipalities expected to apply for federal funding of approximately \$20 million in 1978, \$24.4 million in 1979 and \$28.2 million in 1980. This totals approximately \$72.6 million for a three-year period. This is for grade separation alone, and I must say this is a conservative figure. The new program would provide a maximum of only \$49.5 million over the same three-year period.

[3:00]

Without any extensive discussion, it is obvious that this offer falls far short of the amount that Ontario will require to meet its needs for grade crossing work alone. Also, it is disappointing, because this is an area in which the federal government has participated for over 60 years, recognizing its responsibility for, and jurisdiction over, railways.

Obviously, the federal government assumes that the \$16.5 million a year will also cover the implementation of rail relocation studies. We feel this is an unrealistic expectation. There are currently three of five proposed pilot studies approved and under way. We need an opportunity to examine the results of these studies before we can come up with a meaningful estimate of implementation costs. We have pressed for an opportunity to base funding responsibilities on a sound knowledge of the facts. Obviously we are not going to get it.

In the light of the present announcement, we will have to consult with the municipalities to review the advisability of continuing with the rail relocation studies now under way, and under these circumstances it would appear unlikely that any new studies could be initiated. As a consequence, the future of the railway relocation program is seriously in doubt, to the detriment of our urban transportation program, Ontario municipalities and the people of this province.

In addition, the grade separation program will be more difficult to administer. Federal approval on specific projects will still be required, and more municipal programs will have to be reviewed by the province to establish priority.

The new program announced by Mr. Lang is far too typical of the federal government. It does nothing to recognize the different needs and projects of each of the provinces. Perhaps the only good thing about the program is that it clarifies the federal government's commitment to urban transportation in this country, and that's no commitment at all.

Mr. S. Smith: Like your Edmonton commitment.

Hon. Mr. Snow: They must realize that the funds offered will mean that we will fall even further behind in improving rail grade crossing safety and efficiency.

Mr. O'Neil: Blame it on the feds.

Mr. Eakins: Darcy likes the budget.

Hon. Mr. Snow: Why has the federal government taken this stand? Mr. Lang states that it is fiscal restraint.

Mr. Conway: They read your charter.

Mr. S. Smith: That's what Darcy says about the municipalities too.

Hon. Mr. Snow: I would ask the questions: Is it an attempt to save funds for other federal projects; is it an attempt to pull back from recognized areas of federal responsibility for rail; or is it just an attempt to bail Mr. Trudeau out of some of his 1974 election commitments prior to his next consultation with the people of Canada?

Mr. S. Smith: One hundred thousand jobs; two trees for one.

Mrs. Campbell: The Edmonton commitment.

Hon. Mr. Snow: Frankly, Mr. Speaker, I don't know which of these reasons it is.

Mr. Sweeney: They have been reading your budgets.

Hon. Mr. Snow: What we do know is that the federal government has committed itself to undertake a national upgrading of inter-city rail services through VIA, its newly established Crown corporation. By their own studies this undertaking will require the expenditure of billions of dollars.

I would point out, Mr. Speaker, that on the 90 miles of commuter rail operated by GO Transit there are twice as many passengers carried daily as on all the inter-city rail services throughout Canada, on over 14,000 miles of rail line.

Mr. Lewis: Incredible.

Hon. Mr. Snow: With this comparison the federal government's order of priorities defies understanding.

This announcement forces us to continue to go it alone on commuter and urban traffic transportation, and on improvements to Union Station. The need for these programs has been clearly demonstrated. Therefore, we see no other solution but to proceed, particularly with plans to improve Union Station and the rail corridor so that the bi-level cars will be able to operate as part of the GO Transit operation.

Mr. Haggerty: They go around corners.

Hon. Mr. Snow: But we will have to cut back significantly on our plans for this program. Therefore, I am authorizing the Toronto Area Transit Operating Authority to take the necessary action to carry out limited improvements. I expect to be in a position, in a few weeks, to give the House a detailed report on the extent and scheduling of these improvements.

These limited improvements will upgrade commuter rail service facilities at the Toronto terminal and the present GO rail

network to allow for the introduction of the Richmond Hill and the Streetsville-Milton GO rail services. We also have a commitment to improve our GO Transit services along the lakeshore. As part of this improvement, 80 bi-level coaches will soon be delivered, at a cost of some \$40 million. They will be going into service on this route in the very near future.

We have done it by ourselves, without a penny of assistance from the federal government.

Mrs. Campbell: For once.

Mr. Conway: Where were the cars made?

Mr. Haggerty: There should be a tunnel in Port Colborne.

Hon. Mr. Snow: Not that we wouldn't have welcomed federal assistance in a very innovative urban transportation program, but we did not get it, and it doesn't look as if we or the other provinces are going to get any real assistance in the future. The choice is very clear. We must proceed with the job of meeting the transportation needs of the people of Ontario as best we can, in spite of the federal government.

Mr. Conway: He sounds like Rene Levesque in a blue suit.

An hon. member: I think he's running federally.

Mr. Speaker: Order. There are 28 minutes and 39 seconds left in the question period.

ORAL QUESTIONS

ANACONDA LAYOFF

Mr. Lewis: I will try to be brief. I have a question for the Premier. Given the accelerating pattern of layoffs in Ontario, of which Inco is only the most dramatic symptom, is it possible for the Premier to summon the energies of his office to intervene in the case of Anaconda, which, it appears at the moment, may die within a matter of days, causing unemployment for 870 workers.

Hon. Mr. Davis: The minister and the Ministry of Industry and Tourism are already dealing with that potential problem. We will keep the House informed as those discussions continue.

Mr. Lewis: Supplementary: Is there any realistic possibility at all of Atlantic Richfield selling the entire plant to someone else? Has the Premier heard whether or not the parent company has agreed to grant an extension, keeping the Canadian operation open while the ministry is in the process of negotiation?

Hon. Mr. Davis: I will be delighted to get as much up-to-date information as I can. I don't want to deal in rumour or speculation. As the leader of the New Democratic Party points out, this is not of the same size or magnitude as Inco, but it still involves the welfare of some 875 people.

Mr. Foulds: It is still pretty devastating.

Mrs. Campbell: It is symptomatic.

Hon. Mr. Davis: The member for St. George can say it is symptomatic. I'm not going to argue that; nor will I be provoked by her, because I'm never provoked by her, but I could reply in a way that could be provocative.

Mr. Lewis: The Premier is certainly way-laid and distracted by her, however.

Hon. Mr. Davis: No.

Mr. Lewis: Can the Premier come back to the question?

Hon. Mr. Davis: I would never acknowledge being distracted, that would not be the right way to phrase it.

Mr. S. Smith: Attracted?

Mr. Wildman: We can see it, we don't have to be told.

Hon. Mr. Davis: What was I saying?

Mr. Martel: Where were you?

Mr. Samis: Would you prefer to be distracted or deceived?

Hon. Mr. Davis: I have now been distracted by the leader of the New Democratic Party.

Mr. Samis: You are worse than the Argonauts.

Hon. Mr. Davis: I will get as much information as I can for him. The Minister of Industry and Tourism (Mr. Bennett)—

Mr. Foulds: Do you remember who it is?

Mr. Nixon: Do you remember where he is?

Hon. Mr. Davis: Oh, yes. Not only do I remember who it is, but I tell you, thank heavens we have somebody working hard, at least at the provincial level, trying to stimulate the economy of this country and province abroad.

Mr. Sargent: Especially in Paris; that's not in Ontario.

Hon. Mr. Davis: Now you're going to ask me about the new Minister of Industry, Trade and Commerce in Ottawa.

Mr. Speaker: Order; just answer the question please.

Hon. Mr. Davis: If the hon. member would like to address a further question to the Minister of Industry and Tourism to the extent that he is in a position to—

Mr. Kerrio: The only action we've seen so far is to increase our debt.

Mr. Sargent: Send him back to Japan.

Hon. Mr. Davis: —share the information with the hon. member, I'm sure he would.

An hon. member: Send him somewhere.

Mr. Samis: In other words, you don't know.

Mr. Speaker: A new question?

Mr. Lewis: I think perhaps we should pursue this, because it's pretty imminent. I'll take the second question on this and drop the other I intended. Can I ask the Minister of Industry and Tourism what are the reasonable prospects for the survival of Anaconda? How many days are left for those 870 employees?

Mr. Breithaupt: It shouldn't affect the market much.

Hon. Mr. Bennett: I will be meeting this afternoon with the president of the Canadian operation. I expect later on, if we have been able to confirm the meeting with the union representatives, to discuss jointly with management and union the prospects of this particular firm, Anaconda, staying in production.

I met yesterday with the federal Minister of Industry, Trade and Commerce, Mr. Horner, and discussed with him the problem. He has been in touch with the president and chief executive officer of the parent company in the United States. We have not, at this time, secured a definite position—as I understand from Mr. Horner—by the parent firm. Mr. Horner was to be speaking with them again this morning, after they had a board of directors meeting to deal with the request that he'd been making as the federal minister.

I hope that tomorrow I might have something further to report to this House on this firm. May I only go on to say that there is a very great chance that a Canadian firm, or a consortium of firms, could very well come in to purchase Anaconda and its assets. We have no definite word on it, but there have been several inquiries. I understand that as recently as yesterday, and again this morning, they were negotiating the possibility of sale to two different firms.

Mr. Speaker: The member for Lakeshore has a supplementary.

Mr. Lawlor: A few days ago I asked the minister in this chamber as to whether he is prepared to lend his good offices to the formation in this country of such a consortium in order to keep that company alive.

Mr. Speaker: There is no question there.

Mr. Lawlor: What has he done about it?

Hon. Mr. Bennett: Very clearly, the ministry has for some period of time been work-

ing with various purchasers from the province of Ontario, men who are presently in the automotive production industry and are some of the substantial purchasers of the copper and brass coming from that firm. We have worked very closely with them.

I have worked with Mr. Horner on the situation, as I indicated, yesterday. We'll meet with the union and with the management of the firm today, trying to arrive at some understanding as to the long-range potential for this company.

Mr. Lewis: What's the short range?

Hon. Mr. Bennett: Let me not hesitate to say very clearly to this House how important this firm is to the automotive industry. If it goes out of operation, the copper and brass supply stops coming from Canadian companies—

Mr. Lewis: That's right.

Hon. Mr. Bennett: —and it will revert entirely to an American operation. So it is important from a long-range point of view that it remains here, both for the manufacturing of the product—brass and copper—and also for the 800-odd employees who are presently retained by this firm.

Mr. Speaker: The hon. member for Algoma has a supplementary.

Mr. Wildman: Will the minister comment on the statement that has been made that perhaps the parent company doesn't want to sell the subsidiary because they don't want the competition for their upgraded plant in Buffalo?

Hon. Mr. Bennett: I do not believe that statement to be correct at all. My understanding is that they've also set a price on the firm; which at the moment has not been made public, but in their negotiations with two or three firms they've indicated what the price would be.

Mr. Speaker: We'll have one final supplementary. The hon. member for Grey-Bruce.

Mr. Sargent: The government has set a precedent in going into a consortium with \$100 million towards Syncrude. Why couldn't the minister take the same approach for these failing industries to set up \$500 million of our funds to protect the labour market of Ontario?

Hon. Mr. Bennett: Mr. Speaker, there's no indication at this time that there's any need of the government going in financially, because there has been a very apparent interest by others in the private sector who would like to purchase the assets.

May I conclude by saying in respect of the parent company in the United States, to

answer the member's previous question, there are no conditions, to my understanding, which have been placed on the sale that would restrict whoever purchases the company, to limit them from exporting into the United States.

Mr. Speaker: The hon. Minister of Housing has the answer to a previous question.

OHC LAND SALES

Hon. Mr. Rhodes: Thank you, Mr. Speaker. The hon. member for Oshawa (Mr. Breagh) asked a question on Monday last concerning land purchase in Kitchener. He inquired as to the price paid by Ontario Housing Corporation for 307 acres of Kitchener land, the cost of developing the land; and the prices we expect to charge when the land is placed on the market.

The land was purchased in three parcels between 1969 and 1971 for a total price of \$81,001,162—\$3,261 per acre.

[3:15]

We propose to develop the land in two phases. The first phase is currently being serviced in preparation for the marketing of the first 200 lots for construction in the spring. The land and development costs for the 126-acre first phase are as follows: Raw land, \$410,575; appraisal, legal and other costs, \$14,817; interest paid to August 31, 1977, \$286,437; additional interest until all lots are marketed, estimated at \$140,000; for a total of \$851,829.

Development costs of \$4,350,000 include internal services, park improvements, utilities, engineering costs, municipal imposts, OHC contribution to external services, et cetera. The combined land and development costs for the first phase amount to \$5,201,829, the book value.

Based on today's market situation in Kitchener, but subject to the changes of the market over a two- or three-year period, we anticipate a return of about \$8 million on this land. This will represent a difference of about \$2,800,000 between book value and market value; and I remind the hon. members that we sell our land at the lower end of the market range. A private developer would expect to get a greater return on his land.

A number of members have criticized the fact that the government may benefit from the sale of this land; I am surprised they would attack a program that is not only self-sufficient but makes home ownership possible for a wider range of buyers.

It is anticipated that nearly half the first offering of the 200 lots will be made available

for construction under the AHOP home-ownership program. In Kitchener, the maximum house price under this program is \$37,000, so it should be apparent to our critics that the land is being made available at prices that will result in affordable housing.

I think it's also important to note that any financial benefits accruing to the government from this program help to offset the costs of other housing programs. OHC's net operating loss in 1976, for example, was in excess of \$74 million.

I would also remind the hon. members that the federal government is our partner in some of these land transactions, and in some instances is certainly entitled to as much as 75 per cent of any benefits resulting from sales. I am unable to comply with the request for development cost figures relating to the second phase of development, which is still years off in the future.

We have not done an engineering design for the remaining land, and until this is carried out any estimates of cost would be purely speculation. I also wish to point out that we would not move to develop that land until such time as the municipality were prepared to incorporate it into its planning process.

Mr. Breagh: Supplementary: Could the minister clarify for us; first, how much of the profit money will go to the federal government as opposed to the province of Ontario; and secondly, how he intends to clarify how that profit will be used for housing programs; or will it go into general revenue? Does he have an agreement from the Treasurer (Mr. McKeough) to use that amount of money for specific housing programs?

Hon. Mr. Rhodes: First, Mr. Speaker, I have not got a detailed breakdown as to what the federal involvement is in that particular land. I am not sure whether it is involved in all of the parcels or in one or two of them; I would have to get that. Secondly, the discussions I had with my colleagues when this program came into being suggested that money realized from the sale of land would certainly be applied towards housing projects.

Mr. Sweeney: Mr. Speaker, my supplementary has two parts to it and concerns the answer the minister just gave. First of all, if we use the minister's figure of \$4.3 million as the cost of servicing for 126 acres, that would work out to \$33,000 an acre. How does he match that with the fact that all of the other developers in that area are paying approximately \$19,000 an acre to service land

in the same vicinity? His ministry's figure is almost double. That's the first question.

The second point is that the minister gave us a range of sales per acre of \$75,000 to \$95,000. If he is going to sell 126 acres—we will use his lowest figure of \$75,000—that comes to \$9.5 million. Where does he get his \$8 million figure?

Hon. Mr. Rhodes: The hon. member is well aware, I think, of the fact that the price of land, as you go into the market, will depend upon what the zoning is, what sort of densities can be applied to the use of that particular land. When I answered the question of the hon. member on Monday of this week, I said to him at that time I was guessing as to the particular figures because I didn't have them with me. We do anticipate that the lower end of the market, as it relates to single-family unit development on the type of lot size we were talking about, will be about \$75,000.

Those prices are not going to stay in the same range throughout that whole development. They may certainly come down. When I say \$8 million, I am estimating the total price at \$8 million. I said that at the beginning. I can't tell the member what those prices are going to be; they may fluctuate considerably in the market over the next two or three years. Our estimate is roughly \$8 million. That is the figure we are working on; and considering our costs, we are going to realize from that around \$2.8 million in profit.

As far as the price per acre is concerned, all I can give you, sir, are the figures that I have had provided for me, including all of the costs that were involved in the acquisition of the land, the interest charges, plus the costs that have accrued to the Ontario Housing Corporation in the development of that land, remembering that we, as a corporation, do make considerable contributions in communities in the way of land, in the way of road allowances, in the way of parks, in the way of school sites—all of which have to be totalled into what the total cost of that particular development would be.

Mr. Lewis: Mr. Speaker, a supplementary, if I may: How many lots does the minister expect to get in that first \$8 million; what will it cover in total?

Hon. Mr. Rhodes: Two hundred.

Mr. Lewis: Just 200 applies to this \$8 million? Two hundred lots out of 125 or 126 acres? I am sorry, I am seeking clarification. Maybe I can phrase the question another way, which will stimulate an

aggravated response and, therefore, an accurate one.

Hon. Mr. Rhodes: My apologies, Mr. Speaker, to the hon. member. I said 200. What I was referring to is that the first offering will be 200 lots. I don't have the exact figures as to how many total lots there will be in 126 acres. Our first offering, in that first phase in the spring, will be 200 lots.

Mr. Lewis: The minister can't estimate the number of lots?

Hon. Mr. Rhodes: I can't. I can get the figures for the member.

Mr. Sargent: Why not have a liquidation sale; you are going out of business, anyway.

Hon. Mr. Rhodes: Take off your mask.

Mr. Speaker: The hon. Minister of Colleges and Universities has the answer to a question previously asked.

NUCLEAR OPERATORS

Hon. Mr. Parrott: On Tuesday of last week the member for Huron-Bruce (Mr. Gaunt) asked me if I would agree to: "1. Convening a meeting between the ministry, Ontario Hydro and Canada Manpower to accurately determine the manpower needs of the nuclear program in the next 10 years. 2. Institute a crash program to train chemical operators."

I am advised, subsequent to my answer then, that such a meeting did take place on May 4 of this year. At that time, at least, my ministry was informed by Ontario Hydro of the need for chemical operators.

The meeting was attended by representatives from the Ministry of Industry and Tourism, the Ministry of Colleges and Universities, the federal government's employment and immigration commission and Ontario Hydro. It was agreed by all parties that they would consider the situation and bring forward suggestions at a subsequent meeting.

That meeting was then held on May 27. My staff at that time explained that the 16 colleges of applied arts and technology offered programs that related to chemical operators and their training. A training program using the graduates of these programs was suggested for Ontario Hydro.

A crash program was also suggested; however, when the various safety factors connected with any nuclear program were taken into consideration, it was decided that such a course of action would be unwise. It was therefore decided that the federal agency would give Hydro the authority to recruit overseas, on the condition that they stepped up their own training program.

I want to reiterate the caution I expressed that day when I first answered the member's question. The caution is simply this: in filling manpower needs of this nature we realize that some staff shortages do occur; frequently, however, not because of the lack of trained personnel, but because those personnel who are available to do such work have not the necessary experience to carry out the work that is available. It would be unwise, therefore, to assume that we must cope with the situation by training vast numbers of personnel, only to face the possibility of redundancies in future years.

As regards Ontario Hydro's needs for chemical operators, I can assure the House that by 1979 Ontario Hydro's own training program, together with the growing experience of the current junior operators, will meet their needs and eliminate the necessity for overseas recruitment.

Mr. Gaunt: Supplementary: Could I ask the minister what community colleges in the province are giving courses for chemical operators and how many students are enrolled at the present time? Secondly, has Ontario Hydro indeed fulfilled its commitment to step up its own training program in this respect? I suppose the second question should more properly be directed to the Minister of Energy (Mr. J. A. Taylor) but, since the Minister of Colleges and Universities has been involved, perhaps he could answer that.

Hon. Mr. Parrott: The last question is of some technical nature, Mr. Speaker, and I would be prepared to submit the reply to the member in writing if he would concur with that method.

Mr. Conway: Supplementary: We can assume, then, that at no point in the last five years has Ontario Hydro ever come to the Ministry of Colleges and Universities with a specific, concrete set of proposals for a definite nuclear training program within the community college or university systems in Ontario? That is a proper deduction, I assume?

Hon. Mr. Parrott: No, I don't think that's necessarily a proper deduction. But I think the member opposite probably should realize that Hydro has extensive training programs of its own and under normal conditions is able to meet the needs as it expects them, and normally proceeds in that manner.

Mr. Conway: Their program is called immigration.

Hon. Mr. Parrott: I listened to the hon. member the other night in the House and I heard a bunch of trash when he spoke on

this subject. I don't think he should add to it now.

Hon. Mr. Davis: When he says it, you know it's true.

Mr. S. Smith: The sun is setting on you guys.

Mr. Conway: Supplementary: What are the specific programs that Ontario Hydro has brought to the executive council in general or to the Ministry of Colleges and Universities in particular?

Hon. Mr. Parrott: I said to the hon. member that I believe that Hydro basically trains its own personnel. They have extensive programs.

Mrs. Campbell: No, they don't.

Mr. S. Smith: They import them.

Hon. Mr. Parrott: At this moment I can't give the hon. member an understanding of those programs for which Hydro has asked for help.

Mr. Sargent: They contract them out.

Hon. Mr. Parrott: I think that the hon. member opposite should realize that in any educational program, the essential component is to train people with generalized education. The specialization of those programs frequently should be done on site by any industry.

Mrs. Campbell: Or abroad.

Hon. Mr. Parrott: In this system of ours we are doing just that. We are graduating those with a generalized education and we expect industry to take upon themselves the fulfilment of specialized education which is rightly theirs.

Mr. S. Smith: Bringing them from England.

INCREASE IN EDUCATION ESTIMATES

Mr. Van Horne: Mr. Speaker, my question will have to be directed to the government House leader in the absence of the Premier (Mr. Davis), the Minister of Education (Mr. Wells) and the Treasurer (Mr. McKeough). I would like very much to ask whether there is an explanation that can be offered to this House for the increase in the Education estimates, which were debated and approved—at least by committee; an increase, between the end of June and the end of September, of some \$103 million? What does the government House leader have to tell the House on that amount of money?

Hon. Mr. Welch: Mr. Speaker, I'll take that question as notice and I'm sure the Minister of Education can respond to it when he's next in the House.

Mr. Van Horne: Supplementary: It would appear to me that the exercise of debating these estimates is a lot of time spent futilely and, in light of this, therefore, I would ask if the cabinet is considering any change in the method by which it does its budgeting?

Hon. Mr. Welch: I'll add those comments to the reference to the minister. However, I would point out that the estimates are considered in the House and the rules provide for the tabling of Management Board orders and warrants and that sort of thing, for special expenditures in any ministry that are required over and above the estimates to provide some opportunity for this type of question. But I'm sure the Minister of Education will have some explanation.

[3:30]

Mr. MacDonald: Supplementary: If there has been any added appropriation to the estimates since they were considered by the committee, is that not to come before the House in a supplementary estimate? Isn't that the normal procedure?

Hon. Mr. Welch: That doesn't necessarily follow. I think there are supplementary—really I think we should await the explanation of the Minister of Education to find out whether there has been anything like this.

Mr. Van Horne: I am not sure the last question I asked was properly answered; or if it was perhaps it wasn't understood. Let me try again. I would ask, is the cabinet or the government planning any change in its budgetary process; that is, is it considering a new budgetary process, such as zero-based budgeting?

Hon. Mr. Welch: What has that to do with the original question?

Mr. Kerrio: Control your spending.

Hon. Mr. Welch: The hon. member has asked a question which I have taken as notice. I said I would refer it to the Minister of Education for response. I will do the same with all the supplementary questions to which he has made reference. The last one I heard was a very general question with respect to the budgetary practice of the House. If he wants to ask as a new question, I will refer it to the Treasurer for comment. That is the point I am making.

RENT REVIEW

Mr. Breaugh: I have a question of the Minister of Consumer and Commercial Relations regarding his statement today on rent review. I want to welcome his reluctant and belated acceptance of our position last spring on the matter. I am interested to know,

in coming to this conclusion, how did he solve all of those problems put by his predecessor? I believe he used the words that a six per cent guideline would bring about the destruction of the entire rental accommodation sector?

Mr. Lewis: Precisely.

Mr. Breaugh: How did the minister solve that?

Mr. Lewis: Precisely. How did the minister handle it?

Hon. Mr. Grossman: We plan to solve it, if the member will read the entire statement—

Mr. Wildman: Bought a lot of house insurance.

Hon. Mr. Grossman: —by dealing now with some alternatives for the conclusion of the program at the end of 1978, so that the industry can have some indication of what lies ahead. Now that the party of never-ending controls has moved back out of the opposition, we plan to indicate to them that they can operate in some security that controls are not here for ever and that they won't be choked off by this program or any other program unendingly.

As well, members will note I have taken steps to indicate that during the review process from now until the end of 1978, applications that are made will be dealt with as expeditiously as possible, with special attention to those areas, that is small landlords, who are most especially affected by the continuance of the present program at six per cent.

Mr. MacDonald: Is that an invitation for them to catch up after the controls go off?

Mr. Swart: Expect an election in 1978.

Mr. Breaugh: Supplementary: Can I ask the minister to clarify, then, his directive? Does he in effect, mean he has directed rent review officers to set aside all other hearings, save and except those on small buildings, or does he intend to hire some more staff?

Hon. Mr. Grossman: The answer is no, they will not be setting aside all other hearings in favour of the small ones. I have asked them to give some priority. Secondly, I hate to disappoint the member but, no, we won't be hiring any more staff. We think we can do it within the existing staff.

Mr. Lewis: That is why the member for Carleton (Mr. Handleman) stepped down.

INCREASE IN CULTURE AND RECREATION ESTIMATES

Mr. Kerrio: I have a question of the Minister of Culture and Recreation. Will the

minister tell the House why, in these days of alleged restraint, his spending estimate is \$29 million higher than what the budget said it would be, which increase appears to have occurred entirely between June 30 and September 30?

Mr. Lewis: He needs it personally.

Mr. Martel: It is in the bank in Switzerland.

Hon. Mr. Welch: As the hon. member knows, my estimates will be before the estimates committee shortly.

Mr. Lewis: Take a look at his clothes.

Hon. Mr. Welch: Is the member talking about the current estimates or the annual report?

Mr. Kerrio: You will find it in Ontario finances.

Hon. Mr. Welch: I think the member will find most of that related to Wintario, the payment to Wintario, because it comes out through the consolidated revenue fund. I think most of that increase would be attributed to Wintario.

Mr. Speaker: The time for oral questions has expired.

Mr. Sargent: Mr. Speaker, a point of information.

Mr. Speaker: There is no such thing as a point of information.

Hon. Mr. Rhodes: Do you want some or are you going to give some?

Mr. Speaker: You can give a personal explanation.

Mr. Sargent: I would be glad to.

Mr. Speaker: Try it.

Mr. Sargent: Thank you, Mr. Speaker. The alarming thing before the House is—we have the greatest respect for the position the Premier (Mr. Davis) is in with all the economy—but the fact is that he does not know—

Mr. Speaker: Order.

Mr. Sargent: —that there is a billion-dollar contract—

Mr. Speaker: Order. That is not a personal explanation. It's a personal opinion and you can express it at the opportune time. Will the member take his seat.

REPORTS

Mr. Havrot from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Minis-

try of Labour be granted Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Labour

Ministry administration program	\$ 7,205,000
Industrial Relations program	2,316,000
Women's program	601,000
Occupational health and safety program	15,227,000
Employment standards program	2,801,000
Ontario Manpower co-ordinating committee program	230,000
Ontario Human Rights commission program	1,377,000
Labour Relations Board program	2,011,000

INTRODUCTION OF BILLS

PRIVATE BILLS

Mr. Speaker: I would like to remind hon. members that there are 20 private bills to be introduced today. In order that we do not take more than is necessary from the debate on the private members' business, would it be agreeable to all members having private bills for introduction that they send them to the table and the bills shall be deemed to have been introduced and read for the first time and they will appear in Votes and Proceedings.

Can we have that agreement?

Agreed.

Ordered for standing administration of justice committee.

Mr. Speaker: I'll just remind hon. members to send those bills to the table.

PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT AMENDMENT ACT

Hon. Mr. Snow moved first reading of Bill 84, An Act to amend the Public Transportation and Highway Improvement Act.

Motion agreed to.

Hon. Mr. Snow: Mr. Speaker, this bill is largely of a housekeeping nature. The one item which will have some direct impact on the public is in section 4.

At present, parties who have been injured in motor vehicle accidents must bring a court action in the jurisdiction in which the accident happened if the claim is based in any way on alleged failure to maintain the highway. This rule can result in parties who live in Toronto having to go to Kenora with their lawyers and doctors and other witnesses involving great inconvenience and unnecessary costs.

The amendment in this bill will permit the trial to be held in Toronto or other suitable

location if the parties agree and an application is made to a judge to have the venue changed to an appropriate location.

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved first reading of Bill 85, An Act to amend the Highway Traffic Act.

Motion agreed to.

Hon. Mr. Snow: Mr. Speaker, this bill contains 18 items of essentially a housekeeping nature. This particular bill is not intended to deal with vehicle waste, which will be the subject of another bill which I expect to introduce shortly; nor is it in response to the final report of the Select Committee on Highway Safety, of which you will be hearing more in the near future.

One item of special interest in the bill is being brought forward by myself in association with the Attorney General (Mr. McMurry), namely the elimination of the gratuitous passenger rule, as recommended by the Select Committee on Company Law. This change is in line with this government's objective of simplifying legislation and its impact upon the public. The amendment should eliminate or reduce unnecessary litigation and inequities in the law of motor vehicle negligence. It will also remove an impediment to the successful encouragement of car and van pools.

OFFICIAL LANGUAGES OF ONTARIO ACT

Mr. Samis moved first reading of Bill 86, An Act respecting the Official Languages of Ontario.

Motion agreed to.

Mr. Samis: M. l'orateur le but de ce projet de loi est d'établir la langue française et l'anglais comme les langues officielles de l'Ontario. Le bill définit les mesures par lesquelles les deux langues officielles seront employées dans l'Assemblée législative, par le gouvernement de l'Ontario et dans les procédures judiciaires et quasi judiciaires.

ORDERS OF THE DAY

PRIVATE MEMBERS' PUBLIC BUSINESS

LABOUR RELATIONS AMENDMENT ACT

Mr. Cassidy moved second reading of Bill 68, An Act to amend the Labour Relations Act.

Mr. Cassidy: Mr. Speaker, I'd like to speak for up to 15 minutes now and reserve five minutes for the end of the debate.

Mr. Speaker, the purpose of Bill 68 is to preserve the collective bargaining rights of employees of a business that relocates within Ontario. The bill also provides that employers must give reasonable notice of a relocation to their workers and that they must give workers a 60-day period in which to decide if they want to relocate with the plant or with the operation that moves.

This bill is presented in a non-combative spirit, as a constructive proposal to plug a loophole which now exists in the Ontario Labour Relations Act. At present, if there is heavy turnover in a plant over the life of a contract—say over a couple of years' period—the bargaining rights are kept, despite the fact that 70 or 80 per cent of the employees covered by the bargaining unit have changed in a period of two years.

If a plant is sold to a new employer, then section 55 of the Act, which is amended by this bill, provides for successor rights, so that both the collective agreement and the bargaining unit are preserved; and the new employer must honour the agreement entered into by the old employer.

There are provisions for melding by the Labour Relations Board where a takeover results in two unions having jurisdiction, and this melding is echoed in subsection 4 of my proposed amendments.

[3:45]

There's another loophole which we intend to plug during the course of this session of the Legislature, and that is where an operation now carried out by the Crown is transferred to another employer; or where an employer transfers an operation to the Crown. Under Bill 4, transfers of undertakings to or from the Crown will also involve a succession rights provision to protect bargaining rights and to ensure the maintenance of existing contracts.

The situation is that if a company is sold, if it's transferred to the Crown, if it's transferred from the Crown, the bargaining rights which employees have fought to win get transferred. The situation, however, in the case where a company gets moved outside of the boundaries of the municipality where the union certification applies, is that there is no such protection. The workers lose the protection of having a trade union, of having a bargaining unit and of having a collective agreement.

Normally, when the Labour Relations Board defines a bargaining unit, there is a

scope of contract provision, a geographical definition of where the bargaining unit lies. This is, for example, the boundaries of a particular plant or of a particular municipality. They say, for example, that all the employees of ABC manufacturing company within Metropolitan Toronto are covered by this particular bargaining unit and by this particular collective agreement. If the company moves outside of those boundaries, then the collective agreement of the bargaining unit stops; that's the situation that this bill is trying to correct.

There's nothing wrong with the existing law but it leaves the loophole which some companies, I'm afraid, have exploited—in certain cases inadvertently and in other cases in a deliberate way—to get away from their responsibilities to unions which have organized under the law of this province and exercised the right to collective bargaining, which is a right to which all parties in this province subscribe.

I want to give a few examples because this is a problem which is widespread and has existed for a long time. A friend in the labour movement recalled to me that back in 1965, Perfect Circle, the people who make piston rings, transferred from Toronto to London. They closed on a Friday and reopened the following Monday in London, giving no notice at all to their employees. There was a clause in a collective agreement, with the Steelworkers in that particular case; whereby the union would have the right to transfer its workers if the company ever moved, but that was abrogated unilaterally by the company. They moved to London. One hundred workers were affected. Only a year later, through arbitration, was the union able to win any redress. They won redress in dollars, but no redress in getting people to the jobs that had been transferred. That was the beginning of this kind of situation.

Not long ago the union was knocked out when Ajax Plastics moved the great distance from Whitby to Scarborough. Just over one municipal line, but the union contract was knocked out and the protection the workers had in that case was lost.

The former member for Peterborough, Ms. Sandeman, has raised a couple of recent situations. One was the transfer of jobs from Regal Stationery in Omemee to the company's plant in Toronto, which took place over a period of about a year and which seemed to have come as a consequence of the certification of employees in that plant in April of 1975. About 100 jobs were taken out of the bargaining unit because of that transfer and

the people involved could do nothing about it.

There was another case in Peterborough where a company named Tellus Instruments informed its employees on a Friday afternoon that it was moving and they would have no jobs; it gave them all of one week's pay in lieu of notice under the Employment Standards Act. There were seven female employees. They had just been certified under the United Electrical Workers, when lo and behold the company disappeared off the face of the province—or so it seemed. That company had a contract for 6,000 smoke detectors a month from General Electric in Peterborough, but they moved out of Peterborough in order to break away from the jurisdiction of the union.

It seems to me that the feelings of all parties is that that is not something which should be tolerated in the province at this time.

Not that long ago, Miami Carey company, which is a subsidiary of a multi-national based in Florida, moved its plant from Rexdale to Barrie. There were 120 production workers laid off in that case, and 50 office jobs. The union, electrical again, lost its bargaining rights. That meant the workers lost the protection of a union. Not one of them was moved to the new location in Barrie. The company refused to transfer the workers, the unions, or the pay rates they were paying in Toronto. The move was a deliberate one to get away from an organized situation.

It's been suggested that if a company is acting in order to do its union in, there are provisions under existing law which would cover the situation. It would mean that the amendments that I have presented today are not required.

My experience, Mr. Speaker, is that, at the very least, that's questionable. In fact, there's a case which I will cite in a minute which indicates quite clearly that the Labour Relations Board is both a difficult and expensive remedy, and also one that is not always efficient.

There is a case of Humpty Dumpty, the potato chip people, who had a central warehouse in London, Ontario, from which they distributed potato chips to the surrounding area. One day they informed their employees, who were organized, that they were planning to decentralize to six satellite warehouses in Middlesex county and the surrounding area. The consequence of that decentralization was that the union's agreement would be abrogated and they would be back to a non-union situation.

The union complained to the Labour Relations Board, and in that case the Labour Relations Board found that the company had deliberately and consistently been trying to break the union. It found that this was a lock-out and a form of industrial action by the company; it ordered the company either to return its operations to London or to extend the bargaining unit to these new satellite warehouses.

In that case, although it was very expensive, there was protection under existing law. However, in March of this year, the Labour Relations Board ruled on a comparable case that affected 100 service men working for the John Inglis Company here in Metropolitan Toronto.

In early January of this year, John Inglis announced to the workers, without even working through their union, that it was transferring its operation to Mississauga and to the township of Vaughan, which are just outside of the Metropolitan Toronto boundaries.

The operation for these service men consisted of a radio dispatch office and a parts depot, but the people involved in the bargaining unit, who had been organized under the Steelworkers for 30 years and had had the protection of a union for 30 years, worked doing service calls within the boundaries of Metropolitan Toronto on a radio dispatch system and they checked into their office once a week or thereabouts. The company moved their radio operation, just the dispatch office, to Mississauga and to the regional municipality of York, and thereafter, it acted as though the union agreement was dead.

The union complained and said that the company was acting in a fashion to try and break the union. However, the Labour Relations Board considered the case very carefully and decided—despite the complaints of the union, despite evidence that included the fact that the union stewards and union officers who were among these 100 service people had not been invited to work for the company when the radio dispatch office was moved—the Labour Relations Board found there was no binding contract there. The bargaining unit did not extend outside of the boundaries of Metropolitan Toronto and, therefore, these men no longer had the protection of a union.

I say this to all members in the House—I'm glad that several are here—that this is the kind of situation that these amendments to the Labour Relations Act would cover. They would ensure that if John Inglis moved from Toronto to Mississauga, the bargaining

unit would travel with it and the men would be able to have the collective agreement they had before, rather than being forced to start again from scratch.

In this particular case, the Steelworkers signed up the workers again, got them ready for certification and, just as they were about ready to go to certification, the company intervened directly, in a fashion which certainly appears to have been illegal, and asked the service people if they would take this particular set of offers the company had and petition against certification. I'm afraid that the workers in that particular case did. They were open to that kind of interference by the company. I don't think that's a good way to carry out labour relations in the province.

This bill has been circulated widely in the labour movement. I have not consulted to such an extent with business organizations, but I have been in touch with several of them in the last day or so. I am telling my friends if they have a bill which affects a number of parties, a number of interest groups in Ontario, we should all make sure on private members' bills to consult widely, because these things will have a chance of becoming law.

The bill has been supported strongly by the labour movement. For example, I have had a letter from Local 89 of the Canadian Paperworkers Union saying: "We feel that this bill is in essence so logical we are surprised it has not yet been incorporated in the Labour Relations Act." The Steelworkers and the Auto Workers have both indicated support, as has the Ontario Federation of Labour. I had a telegram today from the rubber workers union, Local 113, in Hamilton. The international vice-president for the Service Employees International Union of Canada, Mr. Albert Hearn, has written to a number of government ministers in support of the bill.

The reaction from business organizations has been a bit more mixed. One would expect that. They may want to make some comments on certain parts of this bill when it goes to committee. However, in general, they accept—I am talking about people like the Chamber of Commerce and the Canadian Manufacturers Association—that it's responsible to ensure that where a company is transferred and has a union, then the bargaining rights of that union should be transferred and should not be destroyed because the company relocates. They also accept that it's responsible practice, it's reasonable to put it into law and it makes sense that employees

should have reasonable notice of a relocation and that employees should have the right to a transfer to a new location if a company happens to move its shop.

I have talked with a number of members in the Legislature about the bill. I think the reaction in general has been favourable, although several people have said some of the concepts in the bill need to be looked at closely in committee. I agree with that. I hope the bill is sent to committee so that it can be studied and so that some of these groups can consider it in more depth, since it was only tabled in the Legislature a couple of weeks ago. It has been suggested to me that the concept of relocation is vague and needs to be better defined. That's something I think the committee could do.

I have had questions raised about the amount of discretion granted to the Labour Relations Board under this bill in the case where there are certain matters to determine, like the nature of a bargaining unit. However, that provision in this bill parallels what is in the Labour Relations Act for other situations already.

I repeat that I think some of those matters that people may not agree completely about are matters of detail and can be ironed out in committee where we all will have our say. But it seems to me the basic point of the bill is one with which nobody in this Legislature can disagree, that employees should have a reasonable notice if there is going to be a relocation or plant transfer; that employees should have a reasonable chance to decide whether or not they want to transfer with their plant—that's particularly so when we are at a time of very high unemployment, as at present; and that where employees have fought to have bargaining rights established under the Labour Relations Act they should be able to have those bargaining rights moved with the company, rather than being into the position of having to start from scratch, getting a certification and first contract, just because a company has happened to move across a municipal border.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Cassidy: I see my time has expired. I hope very much that members on all sides will see fit to support this bill and to send it to committee. It's a good bill, it fills a loophole which should not have existed for as long as it has.

Mr. Pope: I would like to thank the hon. member for some of his clarifications on the consideration of this bill by the House.

As I understand it, the bill provides three major points. What I would like to do is

deal with the concepts and suggest for the hon. member's consideration some problem areas I might see in some of these concepts; and perhaps these may be more aptly dealt with in committee, I don't know, or perhaps the hon. member may want to deal with them in his reply.

As I read the bill, I think it provides that, where a union shop is relocated, the bargaining unit description in any Ontario Labour Relations Board certification, as well as the recognition clause in any collective agreement, is deemed to be amended to include the new location. I believe the bill also provides that employees are entitled to reasonable notice of the relocation and the right of first refusal to accept employment at the new location; and that's a 60-day right. I believe, also, that after relocation any person may apply to the board to determine the appropriateness of the new bargaining unit; to amend the certificate, if any; and to certify a trade union applicant.

[4:00]

There are other aspects of the bill. One of the principal problems that we may be faced with—and perhaps the hon. member could consider this problem—is how to deal with an extraprovincial relocation and how to deal with relocation to different parts of the province where, for instance, there may be different unions representing traditionally the same nature of workers in one area and not in another. We have that situation in Timmins, for instance, with some of the miners being represented by certain unions, some of the trades being represented by certain unions, and perhaps not the same nature of representation by the same international union or any local thereof in southern Ontario.

What I am worried about is both territorial jurisdictional disputes and jurisdictional disputes between internationals. I understand that may be the reason the member has included in his amendments “that any person may apply to the board to determine the appropriateness of the new bargaining unit.” If that is to resolve jurisdictional disputes, it may be that the determination of appropriateness should take place before any automatic deeming. In other words, in a relocation perhaps there should be an application immediately to the Ontario Labour Relations Board for a decision of that nature before deeming automatically a jurisdiction upon the existing local.

I don't know if that's the answer, but it may be a way to avoid the kind of jurisdictional disputes that I can see forthcoming from the bill that the hon. member has pro-

posed. The application should be made immediately.

Secondly, I am also wondering if the application should not be made immediately in terms of an actual certification vote proceeding. I am worried, for instance, about the consequences of a plant not only relocating but expanding. For instance, if a company were to construct a large plant in another location and then to hire additional employees—I am aware of the double-breasted company and that kind of problem, but in the context of those problems—

Mr. Cassidy: The what? A double-breasted company?

Mr. Pope: —if another company, a related company, establishes a plant in another location, assumes some of the existing purchase orders and hires new staff, should those new staff automatically be covered by the existing collective agreement without the right to a certification vote?

Mr. Martel: That happens anywhere when you take on new employees.

Mr. Pope: I perceive it as a problem, and I think that the whole nature of the right of new employees to determine whether or not they shall be represented by a bargaining agency, namely a local of a union, is one that should be considered very carefully in terms of the possible consequences of his bill.

Another problem that I see is that the bill may completely negate the single trade union status of various locals within a single national or international trade union, and again could provide some problems with internal jurisdiction: for instance, if the labourers' union local operating out of Sudbury was suddenly usurped in its authority by another local from another area. That's the kind of problem I can see evolving. Perhaps the hon. member could address his remarks to those kinds of problems.

The hon. member referred to the Humpty Dumpty case. It was my understanding from the ruling of the Ontario Labour Relations Board that I saw, that given the history of the bargaining relationship between the employer and the union, the board was satisfied that the move to relocate was motivated by the desire to compel or induce its employees to refrain from exercising their rights to collective representation. I believe that is the most recent case available. In that case the Ontario Labour Relations Board has indicated that if it can be established that there was that kind of intention behind the relocation moves, that it would intervene and either force—as it did in this case—the employer to return his distribution warehouse to London

or to amend the recognition clause of the collective agreement to cover the employees at the new location.

I understand that an application for judicial review was made by the employer with respect to that case. The information that I have is that within the last week that application for judicial review was withdrawn and the company has opened up its plant in the old location.

So I take it that the Humpty Dumpty Food case is now good law or a good precedent in terms of the Ontario Labour Relations Board.

Mr. Cassidy: It is contradicted by the Inglis case, though.

Mr. Pope: I understand that that was what the hon. member said. The only thing I can say is that the Humpty Dumpty Food case is the current precedent that now exists, the one that the Ontario Labour Relations Board has to take notice of. If that is an established principle and their ruling of July, 1977 is now the established principle under which it will make rulings on relocations in the future, the Inglis case may, in effect, have been overruled by the Ontario Labour Relations Board.

It may be that an application for judicial review will be taken at some future date, and that may be what is concerning the hon. member. The only protection that can be given there is that the Ontario Labour Relations Act has recently been amended to give wide remedial powers to the Ontario Labour Relations Board with respect to unfair practices. I assume this was the reason the application for judicial review was withdrawn and a settlement finally arrived at.

So those are some of my comments. They're meant in a constructive light. Perhaps the hon. member could have a look at these matters and address himself to them. Thank you, Mr. Speaker.

Mr. O'Neil: I also am pleased to have a few comments to make concerning Bill 68, An Act to amend the Labour Relations Act, and I was very interested in some of the comments that were made by the member for Cochrane South.

We also have a few reservations concerning some of the aspects of the bill, but in the true intent of private member's bills, I think that several from our party will speak concerning it, and, as it should be, I think we'll have a free vote of members rather than a party stand on it.

As far as some of the background goes, we're aware—as I think everyone is—that the Labour Relations Board normally certi-

fies industrial unions with respect to all employees of a given employer working in a given municipal area. We're also aware that should a unionized employer sell his business, the purchaser generally remains bound by that collective agreement.

An employer who relocates outside the municipal area covered by the collective agreement is no longer subject to that particular agreement. Also, as I think we're aware, in a few cases unions have negotiated clauses requiring employers to grant union recognition if a plant is moved or expanded within so many miles of the original location.

Under the present rules or regulations, as in one of the recent cases before the Labour Relations Board, it was held that where an employer relocates solely for the purpose of evading of collective agreement the agreement will be amended to include the new employment site.

So as I say, there are provisions under the existing Labour Relations Board that I think cover some of the problems that the member for Ottawa Centre has anticipated. We have consulted fairly widely, both with members of the labour movement and the business association. There are some major problems, we feel, first of all in the drafting which would have some consequential implications.

It may be, as the member for Cochrane South (Mr. Pope) mentioned, that if this does go to committee some of these things can be dealt with at that time. But as I mentioned, not all of our members are in total agreement with the bill, nor are we all against the intent of the bill.

Further discussions have revealed additional problems with the interpretation and the possible effects it might have as far as the bill goes. Also, the proposed section 55(4) would give the Labour Relations Board the discretion to determine whether the employee of any employer who relocated, whether or not previously unionized, should be certified. This would result in a considerable change from the existing practice, whereby a proportion of employees must indicate their desire to join a union before the Labour Relations Board can make a determination; and would reduce the voice of the individual in determining the question of union representation.

Even if the bill were limited in its implications to unionized employees, problems could arise. In some cases the majority of employees might choose not to move, yet the entire labour force at the new location would be bound by the existing collective agreement, at least until it expired.

Also, we have some worries concerning the concept of the word relocation, which we feel is vague. If an employer opens a new facility with new employees and it is considered a relocation, employees would be organized without their consent; or could be.

It appears also that an employer relocating, from say Toronto to one of the other areas of the province, would be bound by a Toronto wage rate and vice versa. This could possibly have some really important implications, and possibly might mean that some of these industries might expand outside the province.

As far as can be determined, no other jurisdiction in North America has a provision in its labour relations such as this new bill would propose. So, as I say, there are many things that would lead us to lean in favour of the bill; there are some that would certainly tend to make us lean the other way.

Some of our other members will be making some comments on that. I look forward to hearing both those comments and some of the comments from the members of the New Democratic Party, and also some of the other Conservative members.

Thank you, Mr. Speaker.

Mr. Bounsall: Mr. Speaker, I rise, of course, in support of this bill presented by my colleague from Ottawa Centre.

It is simply a bill which says that when there is a relocation the employees will have an opportunity to relocate, and because this is an amendment to the Labour Relations Act, and therefore speaking of organized employees, that they will carry their benefits to that new location with them.

This, of course, has been obtained in master agreements before in the province and for quite some time. The Ford company, in its move from Windsor to Oakville back in 1953-54 had that already in the master agreement so that employees moved directly, having been offered the chance to move; and more important, when they did, retained their seniority. This has been true of other operations; for example various operations of Chrysler Corporation. Back some four years ago when another UAW plant, Duplate, moved from Windsor to Hawkesbury they carried their seniority, their pensions and so on.

However, not all unions have these provisions, or have been able to get them in their contract provisions so that when a relocation occurs the employees move with seniority retention and with pension, and other provisions intact. What happens is that there are instances of companies relocating, purely and simply for the reason of getting out of their

unionized contracts at the location which they are in.

It is for those reasons that a bill like this is very badly needed. In the case of Rockwell International in Windsor, whose operations were closed out last April, at three other locations in the province in which they operate—Parry Sound, Bracebridge and Tilbury—they were under no obligation, because it wasn't covered in the union contract, to offer any sort of jobs to those unemployed workers in the Windsor area. They indicated they would offer some preferential hiring to those workers who were thrown out of work by the closure of the Windsor plant, but of course were under no obligation to offer it to them all as the openings arose over the months at those other plants.

[4:15]

Those who were offered jobs, of course, went there at the rates that applied there; and even though they were organized in some of the other locations, they lost their seniority entirely because they started as new persons in those other plant locations. Those few that were offered a job invariably went. A job is a job these days. Irrespective of their seniority at the other Rockwell plant, and even though they were moving into another organized plant, their seniority was zero at that other organized plant.

This does not occur when you have it in the master agreements and there is a relocation of plants that have those agreements, as with the Ford, Chrysler and Duplate agreements. This it is simply saying to a long-term employee that when there is a relocation you can move and at that new location you have the seniority you had previously. At that new location, if there are new hirings they will start, of course, at the zero seniority; but this should not apply to the person who is being transferred there, who in some cases has vast seniority.

In connection with some of the remarks of the member for Cochrane South (Mr. Pope), I would say that the proposed section 55a (4) of the Act is, I think, designed to cover precisely some of the points he raises. If it is an entirely new plant, which has not as yet been organized by the union and the members move from an organized plant to that location, which is what this bill talks about, that's what the new subsection is there for. At some point the Labour Relations Board must take a certification vote at that plant; but until that vote is held the people transferred will hold their seniority rights and still be part of that union.

If it's a case of a different location, mixing of the employees from two unions, that, again, is what the subsection is to do. The board simply sorts out that situation and ensures, if it is necessary, that a vote be held. That's what the subsection is there for.

Subsection 2 of the proposed section 55a simply lays out a reasonable length of time for the company, which has announced a relocation to expect to hear from its employees that those employees are willing to accept a relocation when the company relocates. The employer will then have a very good idea as to how many employees will be moving to the new location.

It's a very straightforward bill, very worthy of support, so you simply don't have unionized employees in the work place, when a plant relocates, simply thrown out of work as has occurred in the past, and to a certain degree has occurred in the Rockwell International situation in April of this year in Windsor.

It's an amendment to the Labour Relations Act and therefore we are dealing only with unionized employees. Really, what we would like to see would be another bill, or a wider bill. It wouldn't be dealing with seniority rights and so on. It would be a bill which would say that whenever an employer relocates a plant, including the non-unionized sector, he must follow provisions of this bill and offer relocations to the employees at the previous location and continue the same benefit provisions, pension funds and so on, that exist in that unorganized environment. There wouldn't be perhaps very many privileges which a non-union employee would take with him, but whatever small ones do exist those would carry over with him to the new location. That should be what's operating in the province of Ontario as well, and I strongly urge all members in this House to support this bill.

Mr. G. Taylor: Mr. Speaker, I take pleasure in speaking to this piece of legislation which the member for Ottawa Centre has introduced. I've listened to the member for Quinte (Mr. O'Neil) who has outlined the background of labour relations to this point in time. The member for Quinte has suggested that there appears to be a body of legislation that takes care of the situation to date. Is this, then, plugging a loophole, as the member for Ottawa Centre says; or is the law that way because that is its desired position?

The negotiating of contracts is there, and as they have mentioned there are many agreements of labour unions and manage-

ment that include this particular item in their contracts. Are we, then, just inserting more government intervention into the free marketplace of management and labour negotiations, by inserting for them a portion of the contract that they are now negotiating? So what gives me concern in this bill is that such and such is being done under the guise of plugging a loophole, but is it not there by intention? Is this not, therefore, something that should continue to be negotiated, and that should be there to leave the parties with the opportunity to exercise their own free will?

After we get by what the present legislation is, and then we insert this bill as it is, I get the same concern as other members in this House do, about the terms themselves. Naturally I concede that that is a part for committee discussion, but when you get down to "relocation of business" and the definition of relocation; and then when we describe "part thereof"; how do we determine what part thereof? As the member for Ottawa Centre said, there was one business that went from Toronto to Barrie. If he had continued the story, it ceased operation after it went to Barrie because of what it considered at that time union difficulties. They were trying to remove themselves and to get the favourable markets from the Toronto region into the Barrie region. They could not get those more favourable union-management relations, and then the firm departed to the United States. Will this increase that type of operation, where the firms will relocate elsewhere when we insert more into the labour-management relationship of free bargaining?

When you describe "part thereof," what and how are we going to determine that? Does that not lead to further Labour Relations Board hearings and further litigation to discover what "part thereof" is? We all know of situations where you start up a new unit and you nearly always send people from your existing unit—one or two—to start it up.

Is that going to be considered a relocation the minute you send somebody there; or is it going to be considered a relocation where you send a physical part of your plant—be it machinery, bricks, mortar or other things? I can see great concern being given to what constitutes a relocation.

Then as we all know, we have today, in our system, bargaining for a geographic area. But there are franchising operations to be considered. If there happens to be one bargaining unit, will that apply to each and every franchise that opens up in that geo-

graphical area? We all know of many operations that fall into that category. Are we negotiating a state contract that is going to cover and eventually involve province-wide bargaining by this little insertion of a disguised cover, as we say a loophole? That gives me some concern when we put this forth.

Have we already got it taken care of in the existing legislation, where reasonable notice is given—and again that term “unreasonable notice” bothers me. Where you have a termination, there is already the Employment Standards Act to take care of some of those provisions. When you get into reasonable notice—another term that has to be defined—is the 60-day period going to be sufficient; or are we going to have further litigation to discover what reasonable notice might be?

These are the problems I put forward to you on this bill. I fear that it may produce more problems than it is trying to stop in trying to plug the loophole. So that when you get into areas where you cause more grief than that which you are trying to compensate for, would we not be better to take a very definite, very precise look at the legislation when it comes before committee?

It's laudable, that which the member for Ottawa Centre is trying to cover, but is it something that is just a shade ahead of its time because of the provisions of the Ontario Labour Relations Act as it presently stands, and the Labour Relations Board and present jurisprudence on the subject; is it not already taken care of? Has it not already been looked after, and can the present situation not take care of the problems that this legislation appears to be trying to correct? Can we not let the normal process look after it?

Thank you, Mr. Speaker.

Mr. Mancini: Mr. Speaker, I'm pleased to rise and enter into the debate on Bill 68 introduced by the hon. member for Ottawa Centre. I will start off by saying that I support the principle of this bill. I think it is a good principle. I think it is one that should be adopted by the members of this House.

I also have to agree that the bill does need some refining and it should go to committee. I think the purpose of the bill, which is to continue to give hard-won bargaining rights to the working class when they are forced to relocate, is a very good, sound and basic principle.

Secondly, I am in favour of the 60-day period which the employer has to give to the employee as a notice of relocation. I think it's only fair. I see that some industries, like the automotive industry and also I be-

lieve Ontario Hydro, already do this type of thing. So I'm not so sure if it's as new as some members are making it out to be.

I also respect my colleagues in the House who do not support this bill, being that is is a private member's bill and it is a free vote.

Basically, those are my comments and I urge the bill to go to committee.

Mr. Mackenzie: Mr. Speaker, my remarks will be brief. I rise in support of the bill. I am a little bit surprised at the comments from across the way, that it might be a shade ahead of its time. It certainly is long past its time, not a “shade ahead of its time.”

I'm not going to go into the individual sections of the bill, but I want to deal with exactly what is happening in the real world out there. First I recall, and it's been mentioned so I'll just state that, talking of the workers at Ajax Plastics when they were moved from Whitby to Scarborough West, while there was not a lot of seniority in that particular operation, some of them did have better than seven years. When you sit across from people with seven years seniority who were offered the opportunity—they were lucky, they were offered the opportunity to move to the new operation—but to move as brand-new employees, without either the rates or any of the benefits they'd built up; when you realize that was the “opportunity” they were offered, you begin to realize what's happening.

We have a slightly different twist, but I think a classic case, going on right now in the Hamilton area where a long-operating plant, Kennametals on Sherman Avenue, put up a notice on their bulletin board back in July which said, and I'll read the notice: “To strengthen the position of our company in Canada and to provide better service to Canadian industry, Kennametals Incorporated has recently reached an agreement with John Brown and Company of London, England. Under this agreement, Kennametal will buy out all of the shares of A. C. Wickman Limited, Toronto. The acquisition is subject to the approval of the Canadian and British governments. Transfer of ownership is expected to take place on or about July 1.” [4:30]

The first reaction of the employees was: “Well, we're strengthening our company. We get an opportunity to have a better, a bigger operation. Sounds pretty good.” They began to smell the proverbial rotteness when, a couple of weeks later, another notice went up that said that the manager of the plant would be moving to the Toronto plant. Then,

two months later, another notice went up on the bulletin board at Kennametal:

"Date: August 30, 1977; Effectively approximately November 15, 1977, Kennametal Tools Limited will cease to carry on its business. Under the Employment Standards Act, employees are entitled to notice in writing of the termination of their employment. The amount of this notice depends on the period of employment with a maximum of eight weeks' notice to employees with a period of employment of 10 years or more. So that we can be fair to all employees, we have decided to give you this preliminary notice which will be formalized by individual letters to each of you. As you can see, we are attempting to give more notice than the requirements of the legislation.

"I am sure there will be many questions generated by this announcement, however, we do not have answers as yet but we'll try to keep you informed as time passes."

It's a great pat on the back to the employees of that particular operation.

They went one step further in a further notice saying that they would allow an extra week—or was it two weeks—severance pay on the basis that the employees stayed until the very last day before the plant shut down.

At an open meeting they were questioned by employees—some of the employees asking questions had had 25 years in the plant—who asked, "If we get a chance for a job are we going to forfeit the one or two weeks?" They were told they certainly were. Some of them asked, because for some of them it was going to be difficult getting relocated, if there was any chance that they could go to the Toronto operation which was going to be producing exactly the same products. They were told at that meeting that there might be an opening for two or three of the some 50 employees involved but as brand new employees with none of their benefits, none of the security and wages that they'd built up over the years of operation.

That particular situation is under some pretty critical and crucial negotiating right now with the union involved. They have not been able to resolve it. There is no change in attitude as yet. And, as it stands now, they're within their rights in doing that. If that's a fair system, then there's something wrong with our industrial relations system in this province.

Another example, which is a little different, it may or may not come exactly under the protection of this bill but Anchor Metal Products in Bramalea actually went belly-up into receivership. What did we find? They

had never stopped operating. They've now moved to a smaller plant out of Bramalea into Weston. They're back up to 60 or 65 employees, operating under some kind of a holding arrangement.

In the meantime, they've got rid of the union that was there. They've got rid of all of the benefits to the employees. The employees who are coming to me are largely Italian, Portuguese, Spanish, and really don't know what rights, if any, they had. And we have another real problem starting to develop because, I think, this is going to be a case the union is going to make a major issue out of in the province.

I think a bill like this, which is only a small step forward but does give protection through this amendment to the Labour Relations Act to employees who are moved, deserves to be passed. It is long overdue, not a shade ahead of its time, and I would urge the members of the House to support the bill.

Mr. Williams: When the member for Ottawa Centre (Mr. Cassidy) had his name selected from among the members to have an opportunity to speak in the early stages of the private members' debates here in the fall session, I think it aroused a great deal of speculation and expectation that, because of the stature and senior position of this front-bencher, we would have coming before us a meaningful bill, dealing with either social or labour legislation.

Mr. Mackenzie: This is not meaningful then?

Mr. Williams: While the member for Ottawa Centre may not be known for his wit and charm he is certainly well known for his verbosity and well-enunciated social views. I think there was a great deal of anticipation that he would come forward with a meaningful piece of legislation, which he appears to have done today.

While the bill is meaningful, what we have to analyse is whether or not, in its present form, it is also practical and constructive, as suggested by the sponsor of the bill. I think it is this that we have to objectively assess with great care.

The sponsor has suggested, I think fairly, that this is in effect almost a housekeeping piece of legislation that is set up to plug a loophole, which I think my colleague from Simcoe Centre (Mr. G. Taylor) also commented upon. If I were satisfied that was simply the case—that here was an area in which an injustice existed that would be corrected by this piece of legislation—then I think it would not only be a meaningful but also a constructive piece of legislation.

But what concerns me is that the bill is indeed more than a housekeeping measure. It is much more substantive and carries with it much more significant ramifications than one would anticipate at first blush.

Mr. Mackenzie: It protects people.

Mr. Williams: I am certainly anxious to hear the response of the member for Ottawa Centre, and have him point out where the legislation may not be establishing a whole new method of certification. I think that essentially is what subsection 1 brings us to. We have the traditional certification board procedure and the voluntary recognition, but here, by establishing what in effect is a provincial-wide bargaining process, we have opened up a whole new area or method for certification. If that is fair comment, then I think it gives a whole new dimension and perspective and importance to this legislation which may have been glossed over in considering it as simply a housekeeping measure.

So I think that bears a great deal of emphasis and consideration. I certainly have yet to be satisfied that it is less significant than what I'm suggesting.

In endeavouring to support his arguments the member made reference to a number of cases of which he had personal knowledge. He referred to the Perfect Circle situation, Regal Stationery, Tellus Instruments and, I think, in his remarks about those particular cases implied that the moves have been made with intent to circumvent the protection that was being afforded by the unions that presently have agreements with the companies, rather than by reason of any legitimate circumstance. In other words, I don't think the member has spelled out to the members in the House, in using these examples, whether the companies were acting in good faith or with intent to break the union.

In the same way he made reference to the Humpty Dumpty case, which has been referred to by a number of members. Again it was what was left unsaid that gives me some concern, because the very thing that he suggests is lacking today in Ontario—and by reason of which there is need for this legislation—I think is refuted by the results of the Humpty Dumpty case. Even in the short period of time since it was dealt with, it has become a landmark in labour matters in this province as far as the board jurisprudence, as I think the member for Simcoe Centre alluded to it, is concerned. The sponsor did not point out that the board exercised its discretion and determined that the Humpty Dumpty company had in fact acted

in bad faith. As I understand it, it ordered that the company therefore had to return to the London area where the facility had been located, and that they could not circumvent the union by simply going to other locations. I think that defuses the argument that the member makes that there is no protection under the existing legislation.

Another point is that the member did not point out to us what the ultimate long-term end result was with regard to those companies where some of their employees were put in a position of having to relocate because of moves by the company, or seek employment elsewhere when those companies move to other locations, if they had any difficulty, as far as the employees were concerned, in becoming newly certified with regard to the availability of other unions in the area to which those companies had moved.

Mr. Acting Speaker: I would point out to the hon. member for Oriole that we do not have sufficient time for him to have 10 minutes. We have to give the hon. member for Ottawa Centre (Mr. Cassidy) five minutes to sum up. You have about one more minute.

Mr. Williams: The last point, I think of equal importance, is that in my judgement the bill would also cause conflict among the unions themselves. Not simply conflict on a labour-management basis, but over the territorial prerogatives that exist with regard to local unions in different parts of the province where there are different economic conditions or where there are traditionally different working agreements that exist in some areas as contrasted to others. I think this could create a great deal of strife and difficulty between the unions.

Mr. Foulds: That's a self-serving paranoiac statement if I ever heard one.

Mr. Williams: While it is suggested that there is provision in the Act to resolve those differences as set out in subsection 4, again I am not satisfied it is so simply resolved. I suggest that that seems to be a simplistic solution—

Mr. Foulds: Time.

Mr. Williams: —but I don't think it is necessarily a practical solution.

In conclusion, these are the significant concerns that I think the members of the House have to take into consideration, to determine whether the bill goes much further than that of being simply a housekeeping bill. While it is meaningful, I think it warrants a great deal more consideration.

Mr. Acting Speaker: The member for Ottawa Centre for five minutes.

Mr. Cassidy: I welcome the support for the bill the other members have expressed and the position taken by other members, because while they had reservations, they believe that the bill should be considered in committee.

I also welcome the fact that the member for Oriole accepts that the bill is meaningful, even if he has more differences with me about it.

Yes, the bill is a bit more than a house-keeping bill. But it seems to me that is of the same essence and the same nature as the successor rights legislation, which was passed in the Labour Relations Act—in 1969, I believe it was—to cover a case where a company was sold to a new owner; or, as Bill 4, the successor rights on the transfer of an undertaking to or from the Crown, which was going to be adopted I presume by this Legislature some time during the course of this session.

Both of those provisions are amplifications of the spirit of the Labour Relations Act and I suggest that this bill is also to simply put into legislation a further amplification of the spirit of the Labour Relations Act and ensure that the loophole, as I described it, which now exists is not exploited by employers, whether by inadvertence in certain cases and convenience in other cases, or deliberate anti-union intent.

The cases that we cited generally did indicate bad faith. As was pointed out by the member for Cochrane South (Mr. Pope), there is recent jurisprudence by the Labour Relations Board in the Humpty Dumpty case which would indicate that where bad faith can be demonstrated because of a pattern of anti-union activity by the company the union may, after lengthy hearings before the Labour Relations Board and an enormous expenditure of money, perhaps get some redress before the Labour Relations Board.

I don't think that's a good way to proceed, though. As I understand it, the Labour Relations Board is not bound by case law, in the way of the courts and the jurisprudence that preceded that.

The Inglis case was exactly the opposite. Because there, even though the union stewards and the union executive members had not been allowed to keep their jobs when the head office of that dispatching unit moved out to Mississauga, the Labour Relations Board found that there was no anti-union intent and therefore it refused to confirm the bargaining unit once it moved outside Metropolitan Toronto, even though the people were still in the same job in the same locations.

I would suggest, therefore, that the Labour Relations Board is unreliable and it is much better for us to decide, as legislators, what the policy should be, to lay it down in a way in which it can be interpreted clearly, and positively, both by labour unions and also by managements.

[4:45]

The member for Cochrane South asked about relocation outside the province. As he's aware, that's a real problem, especially these days. We can't deal with it with legislation here, but only by interprovincial and maybe international agreements. I'd like to see those kinds of agreements, but for the time being we have to do only what we can.

Both the member for Cochrane South and the member for Oriole talked about the possibility of jurisdictional disputes or territorial disputes between unions. The possibility where you get two unions landing on one another obviously exists. That's why subsection 4 is here, in order to allow the Labour Relations Board to determine what is the appropriate bargaining unit.

That would also cover the case which a couple of members have raised about what happens if a bunch of unionized workers move in and are added to a plant which has some non-union workers. In that case, the Labour Relations Board already has established procedures of melding or intermingling, which it has to have developed because of successor rights legislation. If one firm that's unionized is bought by another that's not and the plants are joined, then the Labour Relations Board normally determines on an application whether there should be a certification vote or whether the collective agreement should automatically be extended.

The question of having a certification vote at once on a relocation I think is very difficult. Suppose you get 50 people from Toronto landing up with 30 or 40 new employees in Barrie in a plant which has just been established. That's a bad time to have a certification vote. It's better for the employees to get to know each other. It seems reasonable that if there's going to be that kind of thing, if anybody doesn't really like the union, they can always apply for decertification.

I don't think the burden should be put on the unions and continue as at the present time, that they have to get the bargaining unit established from scratch if the company moves. That is not a fair burden, it seems to me, and that's why this Act is being put forward to amend the Labour Relations Act

and make relocated firms act in the spirit of that particular Act.

I hope very much that this bill will go to committee where some of the detailed points that have been raised can be discussed in detail.

Mr. Acting Speaker: The time for debate on this matter has expired.

PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT

Mr. Kennedy moved second reading of Bill 33, An Act to amend the Proceedings Against the Crown Act.

Mr. Kennedy: The amendment provides a change in the Proceedings Against the Crown Act. This is to plug a loophole in the legislation and in a way is housekeeping.

Mr. Mackenzie: Did you check with the member for Oriole?

Mr. Kennedy: Housekeeping is a word that makes everyone raise their eyes or tense muscles.

Mr. Lawlor: I think it is meaningful myself.

Mr. Ruston: There is a lot of that.

Mr. Acting Speaker: Order, please.

Mr. Kennedy: At the present time, civil servants who are paid out of the consolidated revenue fund are subject to having their wages attached by the Treasurer. For the record and for the members, I'll put in a few remarks, quoting section 26 of the Public Service Act.

It provides in essence: "Where a debt or money demand of not less than \$25 is due and owing and the wages of that person are paid from the consolidated revenue fund, then the Treasurer at his discretion may make an order ensuring the payment of that debt." But it's in his discretion that this is done. Information from legal services is that in the case of a community college employee who owed a debt an application was made to the Treasurer and he refused to make this order because it was not within his jurisdiction. Those individuals are paid from their own funds. Hence, this was not applicable. There are other agencies of government which also could come under this amendment but which are currently exempt; for instance, the compensation board and community colleges. Perhaps there are others; I didn't check them all out.

Mr. Foulds: Hydro?

Mr. Kennedy: Hydro has its own legislation. I did check that.

I also want to mention Bill 59, The Family Law Reform Act, which received second reading a week ago. Section 27, subsection 3, provides for an execution or garnishee to be issued against the Crown for maintenance. This applies to family breakup and isn't pertinent in this instance, except this might have picked it up under certain employee circumstances.

The intent of this bill is to ensure that everyone who is an individual employed by the government—a civil servant—or any of its agencies receives equal treatment.

I checked back, and it may be interesting to members, that garnishment proceedings were first started in 1854 at Westminster.

Mr. Foulds: A bad year.

Mr. Kennedy: Prior to that there was no method of collection, at least in law. Whether there were other techniques used, I wouldn't know. But that is when it first came into being under Halsbury's Laws of England. Over the years, of course, there have been many amendments and extensions of this until we have reached the present stage as it stands in Ontario now. Community colleges, of course, came into being just in recent contemporary times; consequently, they weren't included in whatever legislation provided for those, and this again is an amendment to bring it into the 20th century.

There really isn't a great deal more to be said. I do know of other instances, one of which was a very complicated matter. The person owing the debt was sheltered under the exemption that was provided, and the result was considerable hardship to his family. Such legislation as this would tidy up such things.

In the public sector, too, employees have more job security insofar as that goes—not that it is too pertinent to those in the private sector; employees in the private sector, of course, have no such protection.

I think we should all be treated the same and all in the same bag, as long as we have garnishment proceedings at all; I know some people are opposed to that. But this bill really isn't to deal with that. If there ever is a change made, let's change it altogether; I think we could bring this all in and perhaps it would strengthen any change. Maybe we should go to that caveat, "Let the vendor beware."

This leads me to the situation which I have known for many years; that is, federal Crown employees are exempt totally from garnishment. I had a case just a month or so ago where someone attempted to get a garnishee against a federal employee, and of course

they couldn't do it. I would hope that the federal people would have a look at this so everybody is treated equally.

It is a fairly straightforward amendment, Mr. Speaker, and I look forward to participation by other members and their consideration of supporting this amendment.

Mr. Stong: Mr. Speaker, when this bill was introduced in caucus and discussed in caucus it was almost with the unanimous consent that this matter be consented to and supported.

I must say, Mr. Speaker, that this bill represents a closing of a gap that has existed in law, and particularly as a lawyer I have heard time after time of private businessmen who have been jeopardized, particularly in the economy as it exists today, trying to collect their debts. Although the proposer of this bill indicates that it is not really a garnishee bill, it in fact does close an area that has been open to much abuse. As the courts today are taking a harder line, particularly in the family division where a delinquent husband or supporter has built up a debt, and in the event that a judgement is obtained against such an individual, this bill will allow the department, or whoever, to collect the debt that is owing and is perhaps paid by the rest of the taxpayers.

I just wish one thing, that the proposer of this bill did have the courage of his conviction in extending the right to garnishee beyond just Ontario Hydro, for instance; that we be allowed to go against any Crown employee for the very reason that I stated—that in today's economy, except for those who are paid out of the consolidated revenue fund, there is a built-in protection. It seems to me that we should extend it right across the board.

We support this bill in its principle, because I am a firm believer that before you can walk through a door you have to have it open. And in fact, this is exactly what this bill is doing. It's opening a door to protect the business community. It's opening the door to extending the principle that each person in his own private life cannot hide behind the veil of a Crown agent, and being paid out of the consolidated revenue fund, to prevent his being garnisheed and to prevent payment of just debts entered into by him.

So insofar as this bill represents a step in the right direction we have no hesitation in supporting it.

On that note, I do indicate my support of this amendment, as short as it is. It is worthwhile, and in principle it does require and get our support.

Mr. Warner: In response to the member for Mississauga South, he uses the term "equal treatment" in his presentation of the arguments of why I and others should support the bill. We could also describe it as being the equalizing of inequities.

For a very long time, it has always seemed to be much easier to attach portions of wages that are paid to workers as opposed to the worker trying to get his wages. Too often—and I have had several cases at this point—there are cases where a company goes out of business and the worker is left without wages. A few months later the individual—the good old lively entrepreneur—reopens under another name and the worker is still not able to get his money back. And the only way he can do it is to go through a long legal process in the courts involving a lot of money. But he is still without his wages.

I've got files where these individuals have been owed \$700, \$800, even \$1,000 of their wages, which they worked hard for, but they can't collect them. Yet the good old entrepreneur is back in business under another name and is doing quite well, thank you. Should that worker default along the line somewhere, on a payment on an automobile, whatever it happens to be, or Reader's Digest or whatever kind of little goodies come through the mail now and then, it sure is easy to grab part of his wages.

So now to close the gap, and equal the inequities, we have this bill. The mover of the bill made mention of the fact very proudly that this concept of garnisheeing a portion of the person's wages instead of using the legal process to collect any debts was introduced in 1854. That we should extend the thinking of 1854 into 1977 bothers me somewhat.

[5:00]

I had hoped that we got away from the business of debtors' prisons and workhouses and the like. Maybe what this bill is doing is leading us back to that. I do have some questions that perhaps the member for Mississauga South (Mr. Kennedy) can answer. I gather from his remarks earlier that there are Crown agencies whose employees are paid from the consolidated revenue fund and, therefore, their wages may already be garnisheed; that option is left open. I think perhaps that's where Mr. Stong had it confused.

I take it that most of the Crown agencies already fall under that kind of description. What we are talking about is a very limited number of people, namely, those who are employed in the community colleges and by

the Workmen's Compensation Board, I just hope that doesn't include Mr. Starr. He doesn't need any more breaks.

Mr. Foulds: No, this will get him.

Mr. Warner: Maybe this will get him.

Mr. Foulds: Is he liable for non-payment to injured workers?

Mr. Warner: Yes. On the other side of the coin, I'm very disappointed to hear that the mover of the bill didn't go through the following argument, because I think it's the one point in favour of the bill, that is, the case of the deserting husbands, those people who are supposed to be making maintenance payments. Because of the laxity of laws in the province of Ontario, if the husband chooses not to make the payments, then that's exactly what happens. If anyone wants to pursue it, all he does is move to somewhere else in Canada, and let them try to get the money.

There are just too many women left with children to raise who have been abandoned by the husband and who are not able to make ends meet. The maintenance payments don't come through and that woman has to find some way of getting the money. At this point in time, it's difficult enough. I'm surprised that the mover of the bill didn't put this forward. It's the foremost reason that this bill should be in front of us because it seems to me to be the only redeeming feature of this legislation.

I hope the mover of the bill, despite the fact that he did not put forward the argument I've just outlined, none the less understands very deeply the situation that many women in this province face, namely, that husbands who do decide to abandon their responsibilities do so easily. Without an expensive legal procedure and without being able to find those husbands, the mothers are left without the necessary support payments. If the law begins to close in on the person, then all he needs do is to go somewhere else in Canada and he is freed from his obligations.

I've had too many of those cases, quite frankly. I've had them into my office. They are soul-wrenching experiences. What can you say to the mother who is there? "I am sorry but the laws of Ontario are inadequate." "I'm sorry but this government just doesn't seem to be terribly interested in your plight." "I'm sorry but you're going to have to struggle along as best you can. When you reach the very bottom, we'll give you some welfare. We'll hand out a few crumbs so that you and your family can try to survive."

In the face of all of those inequities, perhaps it makes sense to equalize the inequities and add one more little bridge to it all. But I do so only in the case of it being for income maintenance. My suggestion to the mover of the bill is that if this bill passes second reading and goes to committee that the mover consider very seriously amending the legislation to read that it apply only in the case of income maintenance—support payments for deserted mothers. On that basis, I would be very happy to support the bill, but on no other basis.

Mr. Williams: I am pleased to support the bill being sponsored today by my colleague from Mississauga South. This is legislation that is long overdue. It is meaningful legislation, it is constructive legislation and it is legislation that brings an existing situation, as the member has said, into the 20th century.

I've listened carefully to the arguments put forward by other members of the House and the view expressed by the member for York Centre (Mr. Stong) reflects almost totally the views of myself in this matter. As one who has—

Mr. Foulds: You are in trouble.

Mr. Williams: —practised in the courts, I'm well aware of the fact that many people are unable to recover the money judgements that have been awarded to them in civil litigation because the judgement debtor has no visible assets other than his income. I think that is the perspective that has to be laid before us in making the argument for or against, that a garnishment proceeding is simply to provide the means by which a person who has been aggrieved, as determined by a court of law, can recover that to which he has been entitled by way of a monetary judgement and award in the courts of this land, so that a person who has been proven to be entitled to recompense, in accordance with the judgement of a court, now has a means of recovery from a person who does not have these other tangible assets, other than his or her income from his employment.

I must point out—and this point, I think, has been missed in the debate so far—that the garnishee order is one made by a judge bearing in mind all of the circumstances of the ability of the judgement debtor to pay. I have yet to have seen a case where the garnishee order has imposed an amount that exceeds that which a person could reasonably be anticipated to afford based on the other needs of that person to meet his basic living requirements, whether it be his

rent, food, clothing for his family or whatever. It's determined that under the garnishee order a reasonable sum will be set aside, that, in the judgement and discretion of the court, that person can well afford to pay, but which heretofore he has been avoiding payment thereon to a person who is entitled to that payment, as determined by a court of law.

What in the world is wrong with that? This discrimination exists only through historical circumstance, whereby the protection was given not to the Crown employee but to the Crown. It is history that back in the 1700s the Crown was determined to be above the law and could not be sued, nor could its assets be attached for any reason at law. Therefore, the protection afforded the government employee or the civil servant wasn't for his benefit, it was because the Crown was deemed to be above the law in those days.

Mr. Foulds: Let's extend it to the Crown.

Mr. Williams: Now we have come back to a more realistic situation and the province in itself over the years has enacted legislation that has done away with this fiction. The Crown too is subject to be brought before the courts and to account for its wrongs and errors that bring about civil wrongs to individuals or groups.

So why, under those circumstances should a person who is in the public service be given this particular protection, that was not devised originally for that purpose at all, but through circumstance? Why should that person have this type of protection when he or she owes a debt to another innocent person who has obtained a judgement under a court decision? Why the salary of an individual working in the private sector can be attached, and not that of one in the public sector, defies logic. Therefore, it's long overdue that this type of legislation should be brought forward.

I certainly do support the point made by the member for York Centre that perhaps the only weakness of the bill is that it doesn't go far enough and that it should cover any other Crown agencies or special-purpose bodies under the jurisdiction of the Crown which may not be covered by this legislation.

A glaring gap that still exists, as pointed out by the sponsor of the bill, is that no federal government employee can be garnisheed. There are thousands of people who are thereby enjoying this special privilege of freedom from garnishee when it has been determined at law that in fact they do owe a debt, if not to society certainly to their fellow man who they have wronged. Why therefore, should this fiction continue and give a

certain privileged protection to one segment of our society and not to others? In fact, it's a form of subversion of the laws that we have and the procedures under which a person can be rightfully compensated for the wrong that the person has experienced.

For these reasons, Mr. Speaker, it's without hesitation that I rise to support this bill. It is good legislation and, in fact, it has a very strong social aspect to it that corrects an inequity that has existed for too long and should be corrected at this stage. I strongly support the bill.

Mr. Kerrio: Mr. Speaker, I also rise to support the bill. I want to make a few comments. I think one reason I have for making a few comments is that I wouldn't want to go over the same ground the socialists did, because it didn't make any sense at all. Suggesting the entrepreneur goes out of business and beats people out of wages, then sets up in business tomorrow, is so far from the truth that it's ridiculous; and it's a shame that it should be recorded in Hansard.

Mr. Foulds: They record your speeches too.

Mr. Kerrio: There are many instances where, when an entrepreneur happens to go bankrupt, there are many other entrepreneurs who lose a great deal of money as well. It's not that I don't feel sorry for the individual wage earner, but certainly any time there is a bankruptcy in small business, there are many people who are hurt.

Witness the fact that in Ontario this August we've had more bankruptcies than we've ever had in the history of this province. The people to my left might decide some time to realize that they had better start helping small business and not running them into the ground.

Mr. Foulds: How many of the wage earners got their full wages?

Mr. Kerrio: In any event, I'll address myself to the bill in another fashion.

Mr. Foulds: How many got their full wages?

Mr. Acting Speaker: Order, please.

Mr. Kerrio: Thank you, Mr. Speaker. He is adding nothing to this debate.

The point that I wanted to make already has been made by two previous speakers. I suggest to you, Mr. Speaker, that the same sort of thinking that prevailed in excluding Hydro exists here. Many small business people are confronted with at least two different sets of rules, one for the government and one for the businessman. In this particular instance, I don't think anyone who is a wage earner should be excluded from

the bill. I hope the member for Mississauga South will take that point into consideration and extend the bill to include everyone because, when we garnishee someone's wages, in reality we are garnisheeing something that that individual has earned. It in no way belongs to the government. It in no way belongs to us in the Legislature or anywhere else. It's something that we're attaching; the debt has already been proven in court to be illegal and that it should be collected.

I support this bill wholeheartedly and I hope that the member for Mississauga South will see fit to consider that kind of an amendment.

Mr. Davidson: Mr. Speaker, I have a great deal of difficulty in speaking to this bill, because I'm still not sure in my mind as to whether I'm for or against. I am against the practice of garnishments. As the member for Mississauga South pointed out earlier, there are those who oppose garnishments on wages. I am one of those because I feel that they are very demeaning and degrading to the person who is being garnisheered. Let me explain why I say that. I would say to the member for Niagara Falls that I am not going into the diatribe that my colleague did.

[5:15]

Mr. Kerrio: Go ahead.

Mr. Davidson: I am quite sure that even he is aware that there are those who are in the practice of lending money and selling goods, knowing full well that the person they are selling their goods to or lending their money to cannot afford to make any more payments out of the wages that he or she is earning at that time, and who continue to lend them money and continue to sell them goods on a payment basis. Then, when because of the actions of these people, the purchasers cannot afford to make the payments, they go and ask to garnishee their wages.

However, having said that and having to live with the fact that there is such a system in existence today, I suspect I will speak in support of the bill, at least on that point, because if you are going to have wages garnisheered, then it should be that everyone's wages can be garnisheered. The one thing I am glad to see is that this bill brings in Crown employees who have, over the years, as has been pointed out by the member for Mississauga South, on some occasions been exempt from garnishee proceedings against their wages. If this bill does nothing else it at least puts Crown employees into the same category as the other working

people in the province of Ontario, at least in this instance.

I, therefore, would like to follow along with what the member for Niagara Falls has just called for; that is, to ask the member for Mississauga South, if he would consider expanding this bill to include all Crown employees.

Mr. Pope: I rise very briefly to speak in support of the private member's bill proposed by my friend from Mississauga South for the reasons that have been capably put by other members, namely, to have some equality in the enforcement of judgements and court orders in the province of Ontario, irrespective of the employer of that particular person.

I notice that there were some comments made earlier on on perhaps related topics. I think there are provisions for priorities under the Wages Act and Mechanics' Lien Act of this province which do serve to protect workers to some extent. Granted there's no guaranteed protection of anything any more, there are some provisions that do help the working man. I don't think it's incumbent or that we have the authority to review the provisions of the federal Bankruptcy Act in terms of the validity or applicability of some of the provisions of that Act and how they affect working men. This is simply an exercise of provincial jurisdiction.

There are, with respect, expeditious proceedings that are available and will now be made available through certain amendments to the Small Claims Courts Act to dispute garnishee proceedings and to bring the individual concerns and financial problems of a judgement debtor before the small claims courts and judgement summons proceedings. I think if those are exercised, and they will be exercised now in an informal way, some of the problems with respect to the extent of wages available for garnishee may be overcome. Certainly in my constituency office I always urge workers who are faced with that kind of financial constraint to appear before a small claims court to make that kind of arrangement.

With respect to the problem of deserted wives, I don't think there is any way we are ever going to solve the problem of the husband who is owing maintenance payments escaping to another jurisdiction, other than trying to enforce our judgements in that jurisdiction. I would draw to the attention of members that the Deserted Wives' and Children's Maintenance Act acts as an order of the court. If payment is not made under the provisions of that Act, the individual can be summoned before the court for contempt.

Granted that does not always result in a financial settlement that is suitable, and it does not always answer the financial needs, but again these are other provisions that have to be considered in juxtaposition with what we are dealing with now in this private member's bill.

I also feel that perhaps it is time this Legislature, as well as removing the privileged position of Crown employees with respect to garnishee provisions, also has a look at the problems of the Public Works Creditors Payment Act vis-à-vis the Mechanics' Lien Act. Perhaps it is time that we settled that area of jurisdiction or dispute as well, because it has created other problems. However, we are dealing with an Act to amend the Proceedings Against the Crown Act, and I am pleased to speak in support of it.

Mr. B. Newman: I rise to make a few comments on Bill 33, An Act to amend the Proceedings Against the Crown Act, an Act presented by the hon. member for Mississauga South. I just wonder why it took so long for the introduction of such legislation, seeing that this did come from a government member. I would have thought that this would have been government policy quite some time ago.

Naturally, the recourse now is as a result of the new setup here, that the private members can introduce legislation and it can be voted on and eventually end up being accepted by this House.

The member for Niagara Falls is a man who has been in business for years and years, and he certainly knows the problems he has as far as employing individuals is concerned, and the difficulties he gets when various creditors approach him in an attempt to garnishee wages of those who have not met their financial obligations. I would assume that some of those employees may have been employees of the Crown.

I support the bill on the idea that it is the right type of legislation. It is overdue. I also support it because of the fact that it will present uniformity. I don't see why we should be treating one class of employee any differently than we treat any other class of employee.

Mr. Foulds: This has been, in a peculiar kind of way, an interesting debate. I came into the House with an open mind on the bill—in fact, I intended to vote for the bill. However, the debate has persuaded me otherwise, because no one in the debate so far has convinced me that the garnishment procedure is a procedure that we should encourage in the 20th century.

The member for Niagara Falls came closest to putting that case. But if I can articulate my concern, it is that he stated the case, but he did not illustrate it, or show me, or convince me. In other words, there weren't illustrations from any of the members thus far that have convinced me that this is a procedure that should have universality.

Mr. Kerrio: You can take it either way. You can either take it right off, or—

Mr. Foulds: Yes. That's the argument that I would like to put. I think, perhaps, we should be going the other way. Instead of extending it, we should be taking it right off. That is the principle on which I will vote against the bill.

I must say I have some reservation about that position, because I can see because of the way that current court orders are enforced—or the way that they are not enforced—in those cases of a deserted wife, that that is the one instance where I could see this procedure being a useful one. However, it is my information that in the percentage of garnishments that are in fact used in the province, that the percentage used to enforce support, is very, very small. In fact the garnishment procedure is largely used for other kinds of debts.

It does strike me that the procedure is a 19th century one, rather than a 20th century one. But I agree with the position that the member for Niagara Falls in particular put, that you've got to have it one way or the other.

I'd like to suggest, therefore, that one of the ways in which this very touchy area, where non-support occurs of a deserted spouse, is that perhaps, through another legal remedy, the court be the body that actually pays the deserted spouse and is responsible for collecting directly from the deserting person. In other words, the cheque would come regularly to the deserted spouse for the amount awarded and it would then be up to the court to recover that by whatever means it has at its disposal from the deserting husband, in most cases.

I was particularly struck by one of the arguments that was put by the member for Cambridge. There are, and they are rare I admit, but there are occasionally firms that are fly-by-night operations. In some instances, people who are encyclopaedia salesmen encourage families to overspend. I've had experience of this when I was teaching in a small northern community, Armstrong, Ontario. They sweep through the north occasionally where the resources, in educational

terms or library terms, aren't great, and families who have a great interest in having their children well educated are encouraged to buy a whole encyclopaedia on which they wouldn't be able to make the payments in any logical sense. They get trapped into this position, then owe the debt.

Mr. Kerrio: Loan companies do it all the time.

Mr. Foulds: Yes, and this practice, it seems to me, is one that obviously there should be other legal remedies to stop. But it is one that occasionally the garnishment process is used to regain the debt, and while it's a legal debt, it's one that shouldn't have been incurred morally and was enticed from the person, so to speak.

The other grave reservation I have about the garnishment procedure is that, despite a judgement made several years ago, it occasionally is used by employers to either harass or to sometimes dismiss employees. It is, as one person in the debate so far has said, a demeaning procedure. It's one that I do not think should be extended and I would rather see it diminished.

Mr. Blundy: I rise to support this bill. I realize that most of the valid points in favour of the bill have been made and made quite well by previous speakers. However, there have been one or two points which I would like to reply to.

The point has been made by at least one and possibly two previous speakers of feeling great sympathy and attaching a great deal of importance to the position of the person being garnisheed and pointing out that this is really putting that person in a very difficult position. I have to admit that that is the case. But you have to look at the person who has provided the goods and services for which the garnishee is being made.

[5:30]

He or she or they have acted in good faith and have provided the goods or services that this person has got. I can put forth just as an appealing view of why they should be paid for their services or their goods. I just want to make the point that while none of us like a garnishee of wages, and I know that it is creating difficulties for people who are garnisheed and so forth, it is a fact of life and we have it with us.

Therefore, I come to my second point and that is that we can't make fish of one and fowl of another. If we are employees of private enterprise or any private group, or the Crown, we must be considered in the light of these things as being all the same. Therefore, I support this private member's

bill and I hope that it will gain the support of the House. Because as long as we have a system of garnishee—and as previous members have said, it may not be the greatest—but as long as we have it we must treat everybody similarly under that system, and employees of the Crown should be included.

So I want to add to those other comments that have been made my support of this bill this afternoon.

Mr. Deputy Speaker: The member for Mississauga South. I would like to inform the member that he still has eight minutes remaining in his time.

Mr. Kennedy: Thank you, Mr. Speaker, and I would like to thank all the members who made contributions to this amendment to the bill. It was a very good debate.

I perhaps didn't make it clear at the outset and I should have provided a definition of a Crown agency, but I felt that this would be understood. Let me quote from the Crown Agency Act, and this is the key in answering some of the points raised, I think, by most of the members who participated.

Under the Crown Agency Act, a Crown agency means: "a board, commission, railway, public utility, university, manufactory, company or agency owned, controlled or operated by Her Majesty in right of Ontario, by the government of Ontario or under the authority of the Legislature, or the Lieutenant Governor in Council."

So those who ask that it be extended, this definition covers that very point. And it is across the board by virtue of that definition.

The other thing mentioned—I think I raised this myself—Hydro was not included. It is and it isn't. I'll define a Crown employee under the Public Service Act. Under this, a Crown employee means a person employed in the service of the Crown, or any agency of the Crown, the definition of which I have just given, but does not include an employee of Ontario Hydro or the Ontario Northland Transportation Commission.

Why this is the way it is I am not sure, except that Ontario Hydro has the authority, within their legislation, to render garnishees against their employees. I am not sure of the Ontario Northland railway. I presume it is the same. But if not, under the definition of the Crown Agency Act, the individuals who are affected would be included. So this amendment would make the legislation fully equitable, without discriminating in favour of any person employed in the civil service, those who are paid out of the consolidated revenue fund. All agencies are included.

I made reference in my opening remarks to the family law bill that received second reading, Bill 59, and in this quite a number of the family breakup situations are dealt with. I am not sure that it could be broadened under this bill to take in cases of deserted wives and so on. Certainly, an employee of one of these agencies who deserted and was not making payments, the wife can make arrangements to have a garnishee levied against him because he presumably would still be employed with that agency. If he takes off, of course, there would need to be some other piece of legislation take over, and this is what the hon. member for Scarborough-Ellesmere was bringing up. So I think it would take it beyond this. This deals with employees. Of course their wages can be attached under this. But the hon. member makes a very good point, but I doubt his suggestion would be an appropriate amendment to this piece of legislation.

I think those responses cover the situation. The member for Port Arthur mentioned encyclopaedia salesmen and such; and there was some concern expressed of the harshness of garnishee awards. But, as the member for Oriole stated and it's been my experience as well, if the ability of the person to pay is taken into account especially under the present arrangement where a civil servant is involved. Under the Garnishee Act there is a certain rigid assignment of salary. In dealing with public employees there is a broader discretionary power, which is exercised, and thus that could be done, taking all the circumstances of the individual into account.

I thank the members for their participation. I didn't know that it would evoke such a response and I appreciate very much hearing from all hon. members.

Mr. Speaker: That concludes debate on second reading of this bill.

ROYAL ASSENT

Mr. Speaker: I beg to inform the House that, in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

Clerk of the House: The following are the titles of the bills to which Her Honour has assented:

Bill 4, An Act to provide for Successor Rights on the Transfer of an Undertaking to or from the Crown.

Bill 22, An Act to amend the Labour Relations Act.

Bill 34, An Act to amend the Public Vehicles Act.

Bill 35, An Act to amend the Airports Act.

Bill 36, An Act to amend certain Acts respecting Regional Municipalities.

Bill 37, An Act to amend the District Municipality of Muskoka Act.

Bill 38, An Act to amend the County of Oxford Act, 1974.

Bill 39, An Act to amend the Municipality of Metropolitan Toronto Act.

Bill 42, An Act to amend the City of Timmins-Porcupine Act, 1972.

Bill 44, An Act to amend the Toronto Area Transit Operating Authority Act, 1974.

Mr. Speaker: Pursuant to provisional order 35, I am required to place the questions before the House at 5:50 p.m.

Mr. Speaker suspended the proceedings of the House until 5:50 p.m.

On resumption:

LABOUR RELATIONS AMENDMENT ACT

The House divided on the motion for second reading of Bill 68, which was negatived on the following vote:

AYES	NAYS
Blundy	Ashe
Bounsall	Auld
Bradley	Baetz
Breaugh	Belanger
Bryden	Bennett
Campbell	Bernier
Cassidy	Birch
Charlton	Brunelle
Conway	Cureatz
Cunningham	Drea
Davison	Eaton
(Hamilton Centre)	Elgie
di Santo	Gregory
Duksza	Hall
Epp	Handleman
Foulds	Havrot
Germa	Henderson
Gigantes	Hodgson
Grande	Johnson
Laughren	Kennedy
Lawlor	Kerr
Lupusella	Kerrio
MacDonald	Lane
Mackenzie	Leluk
Makarchuk	MacBeth
Mancini	Maeck
Martel	McCague
McClellan	McKessock
McGuigan	McNeil

AYES	NAYS	AYES
Miller	Newman	Johnson
(Haldimand-Norfolk)	(Durham York)	Kennedy
Newman	Norton	Kerr
(Windsor-	Peterson	Kerrio
Walkerville)	Pope	Lane
O'Neil	Reed	Lawlor
Philip	(Halton-Burlington)	Leluk
Ruston	Rotenberg	MacBeth
Samis	Smith	MacDonald
Sargent	(Simcoe East)	Maeck
Swart	Snow	Makarchuk
Sweeney	Stephenson	Mancini
Warner	Sterling	McCague
Wildman	Stong	McGuigan
Ziembra-40.	Taylor	McKessock
	(Prince Edward-	McNeil
	Lennox)	Miller
	Taylor	(Haldimand-Norfolk)
	(Simcoe Centre)	Newman
	Turner	(Durham York)
	Villeneuve	Newman
	Welch	(Windsor-Walkerville)
	Williams-46.	Norton

Ayes 40; nays 46.

Mr. Speaker: I declare the motion lost.

PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT

The House divided on the motion for second reading of Bill 33, which was approved on the following vote:

AYES	NAYS
Ashe	Bounsall
Auld	Breaugh
Baetz	Charlton
Belanger	Davidson
Bennett	(Cambridge)
Bernier	di Santo
Birch	Dukszta
Blundy	Foulds
Bradley	Germa
Brunelle	Gigantes
Bryden	Grande
Campbell	Laughren
Cassidy	Lupusella
Conway	Mackenzie
Cunningham	Martel
Cureatz	McClellan
Drea	Philip
Eaton	Samis
Elgie	Ziembra-18.
Epp	
Gregory	
Hall	
Handleman	
Havrot	
Henderson	
Hodgson	

Ayes 68; nays 18.

Motion agreed to.

Ordered for committee of the whole.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, I wonder if I might just beg the indulgence of the

House for a minute, before we break for supper, to take advantage of our turnout here. I would like permission to table the answers to questions 23 and 24 standing on the notice paper. (See appendix, page 1234.)

BUSINESS OF THE HOUSE

Hon. Mr. Welch: In accordance with the rules, I would like to discuss next week's work. The committee work is as outlined on the notice board with respect to estimates and private bills being considered by the justice committee, so perhaps I will just draw attention to Tuesday and Thursday of next week.

We should stand ready on Tuesday, that being legislation day, to deal with bills 60,

61, 62, 65, 25, 40 and 70—not necessarily in that order.

On Thursday afternoon, of course, in private members' business, we have two resolutions to deal with, the resolution standing in the name of the member for York South and the resolution standing in the name of the Leader of the Opposition.

In the evening we have agreed to take into consideration the final report of the select committee on highway safety and, if time still remains, we will go back to budget debate.

With that notice with respect to Tuesday and Thursday, the rest of the week is committee work as generally understood.

The House recessed at 6:03 p.m.

APPENDIX

(See page 1232)

23. Mr. Ziembra—Inquiry of the ministry: Will the Minister of Revenue indicate: How many first time homebuyers grants have been reviewed; when the review of all grants will be completed, as recommended by the public accounts committee; how many investigators are assigned to this review; how much money has been recovered to date; what percentage of all grants have been audited to date; what percentage of these grants have been paid in error; what criteria are you using to determine which applications are to be investigated—for example the location, the age of the buyer, the purchase price, the riding in which the home is located or any other criteria? Also, kindly provide a breakdown of the second and third payments of \$250.00 that have been paid out in error. [Tabled October 17, 1977.]

Answer by the Minister of Revenue (Mrs. Scrivener):

The answer to question No. 16 concerned this matter and was tabled in the Legislature

on October 17, 1977. The figures provided were as of September 30, 1977 and have not changed since then in any material way.

24. Mr. Grande—Inquiry of the ministry:

1. What were the number of grants the Ontario Arts Council has made for the fiscal year 1976-77? 2. What are the number of grants to each established cultural group in the province and amount of total dollars funded? 3. What are the number of grants made to individual artists and the amount of total dollars funded? [Tabled October 18, 1977.]

Answer by the Minister of Culture and Recreation (Mr. Welch):

1. There were 3,145 grants made during the 1976-77 fiscal year.

2. There were 1,095 grants to cultural groups, totalling \$7,753,807 during the 1976-77 fiscal year.

3. There were 2,050 grants to individual artists, totalling \$1,514,652 during the 1976-77 fiscal year.

CONTENTS

Thursday, October 27, 1977

Point of privilege on press quotes re Quebec doctors, Mr. Timbrell	1193
Bruce nuclear plant, statement by Mr. J. A. Taylor	1193
Rent review, statement by Mr. Grossman	1196
Industrial milk regulation, statement by Mr. W. Newman	1196
Hydro contracts, questions of Mr. J. A. Taylor: Mr. S. Smith, Ms. Gigantes, Mr. Lewis, Mr. Sargent, Mr. MacDonald, Mr. Reed	1197
Layoff of nickel workers, questions of Mr. Davis: Mr. S. Smith, Mr. Lewis, Mr. Laughren, Mr. Haggerty, Mr. Germa	1199
Urban transportation assistance program, statement by Mr. Snow	1203
Anaconda layoff, questions of Mr. Davis and Mr. Bennett: Mr. Lewis, Mr. Lawlor, Mr. Wildman, Mr. Sargent	1205
OHC land sales, questions of Mr. Rhodes: Mr. Breaugh, Mr. Sweeney, Mr. Lewis	1207
Nuclear operators, questions of Mr. Parrott: Mr. Gaunt, Mr. Conway	1209
Increase in Education estimates, questions of Mr. Welch: Mr. Van Horne, Mr. Mac- Donald	1210
Rent review, questions of Mr. Grossman: Mr. Breaugh	1210
Increase in Culture and Recreation estimates, question of Mr. Welch: Mr. Kerrio	1211
Report, standing resources development committee, Mr. Havrot	1211
Private bills, first reading	1212
Public Transportation and Highway Improvement Amendment Act, Mr. Snow, first reading	1212
Highway Traffic Amendment Act, Mr. Snow, first reading	1212
Official Languages of Ontario Act, Mr. Samis, first reading	1212
Private Members' Public Business, Labour Relations Amendment Act, on second read- ing: Mr. Cassidy, Mr. Pope, Mr. O'Neil, Mr. Bounsall, Mr. G. Taylor, Mr. Mancini, Mr. Mackenzie, Mr. Williams	1212
Proceedings Against the Crown Amendment Act, second reading: Mr. Kennedy, Mr. Warner, Mr. Williams, Mr. Kerrio, Mr. Davidson, Mr. Pope, Mr. B. Newman, Mr. Foulds, Mr. Blundy	1224
Royal assent to certain bills, The honourable the Lieutenant Governor	1231
Tabling answers to written questions 23 and 24, Mr. Welch	1232
Business of the House, Mr. Welch	1233
Recess	1233
Appendix, answers to written questions	1234

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
Blundy, P. (Sarnia L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breaugh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davidson, M. (Cambridge NDP)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Eakins, J. (Victoria-Haliburton L)
Edighoffer, H.; Deputy Speaker (Perth L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Gigantes, E. (Carleton East NDP)
Grande, A. (Oakwood NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kennedy, R. D. (Mississauga South PC)
Kerrio, V. (Niagara Falls L)
Laughren, F. (Nickel Belt NDP)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S. (Scarborough West NDP)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Mancini, R. (Essex South L)
Martel, E. W. (Sudbury East NDP)
McClellan, R. (Bellwoods NDP)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
O'Neil, H. (Quinte L)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Pope, A. (Cochrane South PC)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rotenberg D.; Acting Speaker (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)

Taylor, G. (Simcoe Centre PC)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Van Horne, R. (London North L)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Wildman, B. (Algoma NDP)
Williams, J. (Oriole PC)
Yakabuski, P. J. (Renfrew South PC)



Legislature of Ontario Debates

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First Session, 31st Parliament

Thursday, October 27, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

THURSDAY, OCTOBER 27, 1977

The House resumed at 8 p.m.

BUDGET DEBATE (continued)

Resumption of the adjourned debate on the motion that this House approves in general the budgetary policy of the government.

Mr. MacDonald: Mr. Speaker, obviously we have the cream of the crop here, if not in quantity at least in quality.

Mr. Turner: Thank you, Donald. Thank you very much.

Mr. MacDonald: I don't know why flattery won't even evoke some sort of response from the government backbenches.

Mr. B. Newman: Let's take it as read, Donald. You are not going to convince any of them.

Mr. Turner: We are suspicious.

Mr. MacDonald: In rising to participate in this budget debate, I want first to extend my congratulations and best wishes to the new team who have been given the onerous responsibilities of presiding over this House. I know a little about you, sir—

Mr. Ruston: He won't say anything—

Mr. MacDonald: —and I have a great deal of confidence that you will deal perhaps a little harshly on occasion, but at least fairly.

Mr. B. Newman: Tell us the other side.

Mr. MacDonald: I know that the hon. member for Perth (Mr. Edighoffer) and the new chairman of the committee, the hon. member for Wilson Heights (Mr. Rotenberg) will complete your team. Just one further word. This House has sometimes been described, not inaccurately, as the most unruly Legislature in this country. Sometimes it is difficult to deal with the business of the province in the fashion in which it should be dealt with, if there isn't at least that degree of decorum and firm direction which is needed. Quite frankly I am hoping that we can move into a new chapter. I repeat, I congratulate you on your appointment to that position, and my best wishes for your efforts.

Mr. Deans: You might also tell him to stop telling people to drop dead.

Mr. MacDonald: It has been suggested to me that you might stop telling people to drop dead.

Mr. Speaker: In the cut and thrust of a question period, sometimes it is quite difficult to get out cease and desist at the same time. Therefore we got decess.

Mr. Foulds: Not a bad contraction, Mr. Speaker.

Mr. MacDonald: That is what you call alliteration.

I don't intend to speak at length tonight, Mr. Speaker. I want to deal with only one topic. There are many other members in this House who will be having an opportunity for the first time to speak on the budget. I have had plenty of opportunities to speak on the budget so I shall be glad to leave the time for others between now and Christmas.

The scheduling of the parliamentary year in the Ontario Legislature, in my view, has reached such a nonsensical state that it is worthy of note and condemnation in the hope that it won't happen next year or ever again. That is the only topic I want to dwell on in 15 or 20 minutes.

What are the facts? Before the House resumed this fall we had sat this year from March 29, to April 29 and after the election from June 27 to July 12, a total of 32 days. There was no valid reason why the Legislature was not called until March was almost over other than to meet the convenience of the government. And having met only six weeks this year by the summer, there was no valid reason for delaying the fall sittings until after mid-October other than, once again, sacrificing the business of the province to the convenience of the government.

If this House sits until the weekend before Christmas, we will have met for about 76 sessional days in 1977. That's just over 15 weeks or less than four months of the year. Mr. Speaker, you have to go back to the early 1960s for such limited sittings and, considering the greater legislative load that we now have, the situation is much worse than it was 20 years ago.

What is the result? Quite apart from the unfinished estimates, the Legislature is faced

with what we were told in advance was going to be approximately 50 bills. And from the outset, the government has had to resort to the plea that half of these bills should be passed before Christmas because of their urgency, while the other half are being put over for committee consideration in the new year before they can be finalized and put on the statute books.

That's no way to handle the people's business, the largest and most important business in this province. Despite all the study of the operations of this Legislature—by the Camp commission and by select committees—we are going backwards. As far as the legislative year is concerned the Premier (Mr. Davis) has taken us back to the days of Leslie Miskampbell Frost.

For purposes of comparison it might be useful to put this issue in a historical perspective. In his book, "Responsible Government in Ontario," the first substantive work on the Ontario Legislature, Fred Schindeler noted that the average length of sessions during the first century after Confederation was 44.5 days—less than nine weeks or a little over two months a year.

Twenty years ago, the story goes, Leslie Frost used to check the date for Easter on the calendar, count back 10 or 12 weeks and call for the opening of the Legislature. Everybody knew that, come what may, the Legislature would be adjourned by Easter. It always required morning, afternoon, evenings and sometimes long night sessions to cram the business in during the final week or so. It was a war of attrition. Everybody was worn to a point of exhaustion. In essence, it was the old Procrustean bed approach: what didn't get crammed in and was left over at Easter simply got chopped off.

John Robarts, in my view—I have said it in this Legislature before and I have said it elsewhere in the hope that it may be of note in the academic world—John Robarts brought this Legislature into the 20th century, not only by providing resources for opposition parties—they had been denied that prior to his premiership—and by experimenting with changes in rules and procedures, but in the length of the legislative sittings also. By 1968, the Legislature was meeting 126 sessional days or 25 weeks, just under six months. In 1969, it met 159 days or 31 weeks, between seven and eight months. In 1970, it met 108 days or 22 weeks, between five and six months.

Then we entered the Davis era. In 1971, the sessional days dropped back immediately to only 86 or 17 weeks, just over four months. From 1972 to 1976 inclusive, the length of

the sessions were 99 days, 121 days, 118 days, 129 days and 104 days. They never exceeded six months. This year we have dropped back to the prospect of 76 sessional days, less than four months.

That retrogressive pattern doesn't tell the whole story, Mr. Speaker, as I'm sure you're aware of. As the sitting days increased throughout the Robarts years, many in the government became restive. The opposition was allegedly wasting too much time. With the exception of the one year, 1969, we never sat for more than six months in what is oft proclaimed as a full-time job, the job of an MPP. Obviously, the government considered that length of sitting as too long. So a number of limitation tactics have been resorted to. It is interesting to just note these.

First, a ceiling of 225 hours was fixed for consideration of estimates. I never agreed with it from the outset to be frank with you, Mr. Speaker. When, as happened in Ottawa and as happened years ago in Westminster, the business of the House ran out the end of the year, so to speak, then there became a necessity for putting on time restrictions. We had never sat for more than six months, with the exception of one year. So the imposition of a ceiling in consideration of estimates, in my view, was not valid from the outset.

The result, however, with that imposition of 225 hours was that they had to be squeezed into that time. Often the most important and/or controversial estimates were left by the government to the end when there would be inadequate time to deal with them.

That was bad enough but it has threatened to become worse. We adopted the practice of sending some estimates out to the committee. It was decreed that 10 hours would be deducted from the 225-hour total for each ministry's estimates so sent out. Last year 13 were sent out, for a total of 130 hours, leaving only 95 hours left for consideration of estimates in the House itself. That was so obviously inadequate that the total number of hours has now been boosted. In fact, it has been almost doubled to 420. That is perhaps adequate except that now we're increasingly getting into the pattern of two or three committees meeting while the House is sitting. A two-ring circus is bad enough, a phrase that has been used to describe this House on occasion, this Legislature. A three- or four-ring circus, I submit is absurd. It becomes impossible for members to be present for matters that are of intense interest and concern to their constituents, when they

may be under consideration in three or four places at the same time.

The previous understanding that no more than one committee should be meeting while the House is sitting has been wiped out by the schedule imposed by the government this fall. It seems, no matter what improvement is made, some new technique is devised for nullifying in part or in whole the progress it has achieved. The result is that public business is getting shorter shrift in this Legislature than at any time in its history.

I acknowledge that the handling of the business of the House receives the reluctant approval of the opposition parties' House leaders. But under circumstances such as we've had imposed this fall, there is no alternative, other than refusing to co-operate altogether—a rather common charge that is levelled from the other side of the House—

Mr. Haggerty: They would never do that.

Mr. MacDonald: —with the result that even less business would be done. It's the devil's choice the opposition is faced with. That being the case, it's absurd that government spokesmen should periodically be laying the blame for delaying legislation on the alleged lack of co-operation of the opposition parties.

[8:15]

Mr. Foulds: Very good point.

Mr. MacDonald: For example, my colleague, the hon. member for Carleton East (Ms. Gigantes), inquired of the Minister of Consumer and Commercial Relations about a proposed amendment to the Vital Statistics Act. Under the date of July 27 this summer the then minister, the member for Carleton (Mr. Handleman), wrote to her, and I quote: "The legislation is ready for introduction. Scheduling is, of course, a matter for the government and will depend greatly on the agreement between the House leaders as to the time allotted in the fall session. I understand that only 25 hours will be set aside for debate on legislation." What a distortion of reality.

Mr. Foulds: And truth.

Mr. MacDonald: Obviously, as far back as July, the government had decided that the House wouldn't be called back until so late this fall that only 25 hours would be available for debate of legislation. This was the grapevine gossip, apparently, within the cabinet. Having made that decision to box the Legislature into an inadequate time frame, the minister none too slyly tried to lay the blame on the opposition House leaders.

Mr. Foulds: Positively shameful.

Mr. MacDonald: That was bad enough, but the Solicitor General (Mr. MacBeth) was back at the same old game during the so-called "late night show" on October 18, just a week or so ago. He attempted to deflect the criticism of delay in bringing amendments to some of his legislation to a lack of co-operation on the part of the opposition parties during the brief summer sittings after the election. Rather coyly, he observed—I quote: "There was a period in there when we were not moving very quickly, and as I would remind the House, I had responsibility for passage of the legislation and the kind of House that we have at the present time depends on the co-operation of all three parties."

It is ludicrous that the government should be blaming the House leaders for not getting more legislation passed in those 11 days of sittings after the election. We were attempting to do in 11 sessional days that which should have been done in the couple of months of sittings earlier in the year. And I remind you, the House wasn't called until March 29.

It becomes even more ludicrous that the government should be paving the way for using the same excuse this fall when the Legislature wasn't called back until past the middle of October.

There's an answer to this problem. It can be simply put. This Legislature should be meeting, in my view, at least eight months a year. The rules and procedures should be restructured so as to make the most efficient use of the time. In the introductory chapter of the fourth report of the Camp commission, which I'm sure all members have had an opportunity to peruse, particularly those who have been here for some little time, it was observed, and I quote: "Early in its study, the commission had a clear opinion from the Premier that he was most willing to look favourably on suggestions for better planning of legislative business, even"—and I draw this to your attention, Mr. Speaker—"to attempting the establishment of a routine parliamentary year which would spread the sittings and the recesses more evenly over the 12 months." End quote from the Camp Commission.

I will acknowledge that there has been a vast improvement in the scheduling of business in the House. Enthusiastically, I give credit where credit is due. All the House leaders, and without any detraction from the efforts of my colleague from Wentworth (Mr. Deans) or from the Liberal Party, I

give particular credit to the government House Leader (Mr. Welch) because he's in the driver's seat. Let us have no illusions about it. But what about this willingness of the Premier to consider, and I quote again, "a routine parliamentary year which would spread the sittings and recesses more evenly over the 12 months"?

The Camp commission took the Premier at his own words and made a general proposal that the Legislature should be convened early after the new year, that it should recess for a mid-term break in the school year, and adjourn for the summer on the last Friday of June, resuming shortly after Labour Day to sit for as long throughout the fall as is necessary to complete the year's business.

Why has that proposal been so completely ignored? In fact, not just ignored, but defied? Maybe the Camp commission anticipated the reason, for a later paragraph in that report read as follows—I wonder whether they had their tongue in their cheek when they wrote it: "The commission doesn't want to suggest, even vaguely, that the ministers in Ontario and their senior officials have any contempt for the Legislature, or view it as merely an inconvenience to be suffered or ignored. On the other hand, it seems clear that the Legislature and its business—"

Mr. Foulds: Let the record show it.

Mr. MacDonald:—"have nothing like the priority they probably deserve in the plans of those who draft legislation and prepare estimates. That is, we cannot conceive that the senior people in the ongoing government of Ontario give sufficient consideration to the time and purpose of the Legislature."

That puts it squarely. I submit that the challenge lies with the Premier. It is idle to seek and attempt implementation of ways and means for making the Legislature more efficient and the role of the MPP more meaningful—that was the whole objective of the Camp commission—if the work of the Legislature is to be crammed into sessions of only a few months' duration and the work of the MPP is to be turned into a rat race of activities which are simply not manageable.

Mr. Conway: The Tories want a county council.

Mr. MacDonald: We are stuck—my final word—and I accept it, with this nonsensical schedule of business for this fall. But let it never be repeated, for it mocks the government's pretensions at legislative reform. Most of all, it makes it impossible for the Legislature to do justice to the people's business.

Mr. G. Taylor: I applaud my colleague across the floor from York South for the comments he made. Being a new member here, I've had some difficulty myself figuring out the logic and methods that are carried on in the House and whether the procedures follow any logic or not.

Mr. Martel: They don't have any.

Mr. G. Taylor: I'm new at it. Naturally, I'm trying to learn. I even brought a copy of the budget down. If it's a budget debate, I assumed we would talk on the budget.

Interjections.

Mr. G. Taylor: The assumption was in error there. When the member for York South says we do the wrong thing, here I am not knowing what to talk about on the budget. You talk about anything under the sun, I understand. I hope the sun is shining this evening so that I can talk about everything under the sun and continue from there.

I've read the budget. It's an exceedingly good one, and I follow it. I think the Treasurer (Mr. McKeough) has put forth the ideas of this government, put forth their ideas and philosophy of this party and put forth his ideas on how to get the province back on its economic footing again. We start with a budget that is trying to be balanced in 1981, albeit a hard and difficult task in these economic times. Then we get down to the budget in our area, how it affects my riding of Simcoe Centre.

Mr. Conway: Great riding.

Mr. G. Taylor: It's a fantastic riding. I'm glad the opposition recognizes that.

Mr. Martel: If it was a great budget there should be no problem.

Mr. G. Taylor: There are very few problems. Every time they send back a PC member, they get fewer and fewer problems in Simcoe Centre.

Mr. Martel: You know it's hopeless.

Mr. G. Taylor: I look upon this riding, and I'm very proud of the riding. It is a small Ontario because there are not many things we have in that riding that some portion of this government does not affect or lay legislation to.

Mr. Foulds: Unemployment, true. Inflation, true.

Mr. G. Taylor: Employment, true. There are exceptional areas for ambitious people, exceptional areas for employment and exceptional areas for those who want to progress in a good climate.

Mr. Foulds: Hardworking people.

Mr. Conway: It sounds like a family compact.

Mr. Foulds: All spoiled by a Conservative government.

Mr. G. Taylor: We start off when I come down from the north.

Mr. Foulds: You call that the north?

Mr. G. Taylor: We sometimes josh in Simcoe Centre that Ontario stops at Steeles Avenue, but I informed my colleagues on this side of the House that it does go further north, Mr. Speaker, and we start there.

Mr. Germa: Goes to Orillia.

Mr. G. Taylor: I have there, Mr. Speaker, an Indian reservation—fine people, industrious people. They understand the economy. They have applauded this budget. They have applauded the things that this government has done. So we start there and move down into the forest and park areas and beach areas and tourist area and recreation areas. This budget assists them. We have had the summer employment programs.

Mr. Germa: At \$2.65 an hour. Tell us about \$2.65 an hour.

Mr. Kerrio: Tell us about Reed Paper.

Mr. G. Taylor: I don't have a Reed Paper in my riding. I am pleased about that.

Interjections.

Mr. G. Taylor: I mentioned the tourist area. This budget has helped the tourist area. It has enlivened that area. It has given the people in that area—

Mr. Makarchuk: You are mad with excitement.

Mr. G. Taylor:—some cause to support this government in their programs. I have heard applause from all sides on this budget.

Then I move down into the forest areas. There we do have paper; with reforestation, some of it goes to pulp and paper. This budget helps the small industrious person. It helps the small business person, so we have had success in the economic livelihood of that area. Then as I move further south, we get down into the farming areas. Again—

Mr. Haggerty: What about the farm land?

Mr. G. Taylor:—there has been some assistance in this budget for the farmers of our area, so there again I can be supportive of the budget.

Then we move right into the urban heart of Barrie. There again the small businessman has been focusing upon the aspects of this budget, giving it its support.

The Ontario economic outlook is not good. We do not have all the problems solved but there in Barrie we have expansion of resi-

dential areas, expansion of industry, expansion of tourism. We have the problems that are faced by this province of environmental hazards that are looked for and we are trying to take care of in this budget. There are the labour-management problems that have to be looked after and there again, we are not unmindful of the problems that we have in Barrie. So as we continue and the growth of Barrie continues, this budget will assist them in that area.

As I flow further south and get closer to my Toronto colleagues down here, we have the township of Innisfil and all its problems in growth. There, again, we have a Treasurer who is mindful of that growth. The regional priority funds that have come forth for that area, which has been growing, take care of the problems of growth—

Mr. Conway: He's taking care of them all right.

Mr. Haggerty: Love them in Niagara.

Mr. Mackenzie: You must have a piece of that Innisfil action yourself.

Mr. G. Taylor: Yes, I love Innisfil. It's a great township. I am glad my colleagues from the other side there recognize the beautiful action that is taking place in the township of Innisfil, the expansion, the dedication of the people to the expansion of Innisfil. There again as we move further south, the farm land is being preserved. I remember during the election how people used to come in and ride buses all over the concrete that was going to pave the entire area of Simcoe Centre.

Mr. Kerrio: Greyhound buses? Gray Coach or Greyhound?

Mr. G. Taylor: We will get to Greyhound shortly.

Mr. Kerrio: The minister is listening.

Mr. G. Taylor: I can assure the members that minister listens—a fine minister. And when we get on the subject of Gray Coach, I might even talk about it in this budget debate.

There again, we get to the threat that Simcoe Centre was going to be paved over. The people of Innisfil were not taken in by those who came and said it was going to be paved over; they voted the proper way. They will be proud that the expansion and the annexation of Barrie eventually will give them the type of economic and residential life they are looking forward to.

When we come further south we have the township of West Gwillimbury, the Holland Marsh and the farmers there—good farm land, industrious people, people who

have come from other nations and moulded a farming community. This past fall the schools, again in their industriousness and community spirit, have taken the students out on a learning project by helping the farmers in the area. They have picked the vegetables there in a time of need when, because of the rains, they were rotting in the ground.

That again shows the community spirit of a riding both from the north down to the south, where they get together and work and realize that the economy, the economy of the farmers and the economy of those people, rests upon all of the individuals of the riding. The educators there took the students out and helped those in the farming community when workers were not available and it was necessary to get the work done immediately.

[8:30]

I heard one of the opposition members mention Gray Coach. There again I have put forth a position during the election and have repeated my pleas to cabinet on supporting the Gray Coach position because it does affect the people in my riding.

Mr. Kerrio: I hope they are listening.

Mr. G. Taylor: I leave it at that because I do not want to interfere further with the decisions of cabinet. The minister is listening to that. I am sure when it comes time to make that decision, it will be one that will be for the good of the most people of the province of Ontario, including those in my riding.

Mr. Warner: You will be sitting in the fourth row.

Mr. Conway: Listening won't be good enough.

Mr. Foulds: Lots of luck, buddy.

Mr. G. Taylor: Then when I look at the different ministries that this government is made up of, I say to myself, "Which ones affect my riding?"

Mr. Makarchuk: I say to myself, "What hath God wrought?"

Mr. Conway: What do they think of the Minister of Natural Resources (Mr. Miller) up in Barrie?

Mr. Speaker: Order, please. The hon. member for Renfrew North has already participated in this debate.

Mr. Cureatz: We would not have known it.

Mr. Warner: We painfully remember it.

Mr. G. Taylor: We look at the different ministries, how they are represented and

affected in the riding, and how this budget brings them forth in a time of restraint. We have the Ministry of Natural Resources in the forest areas and I know how they are looked after by the Ministry of Natural Resources. The minister makes frequent trips through my riding. Indeed, I believe once a week he comes out and checks my riding as he heads north. I am pleased that he is concerned and aware of what is taking place in the riding of Simcoe Centre.

Mr. Foulds: Is he planting any trees?

Mr. Mackenzie: He sleeps through it.

Mr. Conway: What you need is a Minister of Revenue.

Mr. G. Taylor: The Minister of Revenue (Mrs. Scrivener), speaking of him—I mean her, pardon me—

Mr. Conway: You were right the first time.

Mr. G. Taylor: —has also paid a visit. We have a superhighway going right up to Barrie and the riding, so they all make very many visits. We have a good cottage area and tourist area. My colleagues across the House can be well assured that they pay particular attention to the Simcoe Centre riding.

Mr. Mackenzie: I take it you have never driven back on a holiday weekend.

Mr. G. Taylor: I think one of the fine features about Simcoe Centre is that I am also protected on each side from colleagues from this side of the House on the ridings on each side. I have a nice comfortable path right up there. I don't need to worry about people overlapping and causing me problems on any of the boundaries.

Mr. Conway: It might hurt your cabinet chances.

Mr. G. Taylor: As I go through, I can mention further items about the ministry, how we are represented by the farm business in the area, and how the Ministry of Agriculture and Food has its farm and experimental station in the Holland Marsh to improve the crops and improve the features of the farmer in that area. These are provided for by the expenditures of the budget.

As I have mentioned, we have forestry which is both managed and there for the luxury and use of tourism. It provides a small industrial base. It also supplies a great deal of recreational facility for the use of the people of the large metropolitan areas surrounding the riding. I am very proud of the Ministry of Natural Resources and what it does for the area.

We have many other ministries represented, not least being the Ministry of Health, running the Penetanguishene hospital. Should my colleagues across in the opposition need any assistance there I am sure they have sufficient beds to take care of them too.

Mr. Makarchuk: Your colleagues would probably feel at home there.

Mr. G. Taylor: The tourism area is expertly taken care of in this budget. In the Penetanguishene area the forts—

Mr. Kerrio: Of course. You've got a tourist area and you haven't got any tourists.

Mr. Cunningham: Who does the advertising?

Mr. G. Taylor: —and naval establishment are well looked after.

Mr. Speaker, when I speak of Simcoe Centre, I speak of it proudly. I speak proudly of its residents and of the people who come there. It is an expanding riding. It takes in an enormous amount of territory. It is both an industrial base and a commercial base. It has expanding winter and summer tourism. It has an expanding industrial community, the heart of it being Barrie. It has farming. It is what is "small" Ontario and I believe that as Simcoe Centre goes, so does Ontario.

Mr. Speaker: The hon. member for Scarborough-Ellesmere.

Mr. Warner: Thank you, Mr. Speaker—
Mr. Conway: Stand up.

Mr. Warner: I am standing up.

Mr. Conway: Prove it.

Mr. Warner: Mr. Speaker, I appreciate the opportunity to take part in the budget debate. Before I begin my remarks, I wish again to acknowledge as we did last term, the service which you continually and consistently give this House. You always do a fine job and I, for one, appreciate it.

In a certain sense I think the discussion of a budget of this government really should be done where the budget is set and to whom it's directed, that is, we should all move down to Bay Street.

This budget and all the budgets that went before it are directed in one direction only. The purpose of them is to sustain those corporate pirates out there who have for so long managed to take money out of the hands of the workers—

Mr. Conway: And what would you know about workers?

Mr. Warner: I've met some.

Mr. Peterson: You met one once?

Mr. Kerrio: Now that is a good question, Elie.

Mr. Warner: I've met some. He wasn't included.

Mr. Germa: Sock it to him, baby.

Mr. Deputy Speaker: Order.

Mr. Warner: Mr. Speaker, the budget that we've been presented with and the ones that have gone before it over 34 years have been directed towards one segment of this economy. The consistent handouts to those who don't need them—the corporate pirates that I referred to earlier—

Mr. Martel: Robber barons.

Mr. Warner: Yes, and the modern-day robber barons—

Mr. Turner: Even your colleagues smile.

Mr. Makarchuk: Right on, Dave.

Mr. Warner: —those parasitic creatures such as Harold Ballard and others. You know, Mr. Beddoes always had a phrase, "the Carlton Street cash box," and that very aptly could describe those parasitic creatures who run those types of establishments.

Mr. Turner: Elie, is this for real?

Mr. Kerrio: You have been watching those Japanese movies.

Mr. Havrot: I didn't know this was Stratford.

Mr. Foulds: You wouldn't be able to tell the difference.

Mr. Warner: It doesn't bother either the government or their right-wing counterparts on this side of the House—or what was affectionately referred to earlier as the two right wings of a turkey—that those budgets are directed in one direction only, that they do not even sustain the average, ordinary person in this province, and that they do not have any relevance to the workers of this province.

That may not bother them one little bit, but I find it absolutely obscene when my colleague reveals a list of people who, during this so-called AIB period, garnered an extra \$100,000 in salary above the \$100,000 they were already making. I know that there are people in this city who are starving. I know that there are workers who are forced to work at \$3,000 a year, \$4,000 a year, \$5,000 a year—

Mr. Conway: Warner for leader.

Mr. Warner: And while this is going on, the government over there says, "It is absolutely ridiculous that a worker should earn \$8,000 a year."

Mr. Conway: Warner for leader.

Mr. Warner: The Premier of this province stated that it was ridiculous, absolutely

ridiculous, that someone should be earning \$8,000 a year.

Mr. Kennedy: Oh, come on. That is not right.

Mr. Warner: And the leader of the official opposition—not the real opposition, we understand the distinction—made the point that it was absolutely ridiculous. It would drive people out of work and create further unemployment. It would drive businesses out if people were allowed to make \$8,000 a year.

Mr. Conway: Warner for leader.

Mr. Warner: You may like controlled poverty, which is what this budget does.

Mr. Cunningham: Now you are getting silly.

Mr. Conway: Warner for leader.

Mr. Warner: As I set out in a very fair and objective way the parameters for the discussion, I am putting it in the framework that I have because the people whom I represent in my riding are not related to this budget. This budget doesn't have anything to do with them—

Mr. Conway: Just what are they related to?

Mr. Warner: —except to make their lot in life worse. I resent that. To think that the Treasurer would have the nerve to bring in a budget that is directed in only one way to support his corporate friends; to think that a Treasurer could continue to hand out \$160 million every year in those tax writeoffs while denying working men and women the opportunity to earn more than \$5,000 a year.

Mr. Bradley: Now be fair.

Mr. Warner: I'll be fair. The submission by the Minister of Labour (B. Stephenson) back in September, 1976, to the cabinet said, "You should be increasing the minimum wage in this province and those increases should not come any later than February of 1977." She provided a table that showed Ontario was number nine in a list of 10 of the lowest paid workers in Canada by province. She drew it to the attention of the cabinet. That submission to cabinet by the Minister of Labour was turned down.

It is wise and fitting in the eyes of the cabinet, and this government of Ontario, that workers should only earn \$5,000 a year. While that is going on it is quite all right, thank you, for some of those corporate creeps to earn \$200,000 a year. Obscene, absolutely obscene.

Mr. Makarchuk: I like that term. That is creeping corporatism.

Mr. Warner: If this government has any ideas about strengthening the obscenity laws, that is a good place to begin.

Mr. Peterson: You are overpaid.

Mr. Warner: And you are under-worked.

Mr. Foulds: Corporate creep has a nice ring to it.

Mr. Warner: The first of the items I wish to turn to is one that affects my riding directly. I was entirely shocked when I learned earlier today that the Treasurer of Ontario has decided to act in the most irresponsible manner that I could possibly describe.

In my riding earlier this year 700 families experienced severe flooding. We had a storm, the intensity of which we had never had since Hurricane Hazel. My riding, and the other parts that lie in Scarborough, experienced over \$500,000 worth of damage. The average was \$1,000 per home—per family.

Those families whose homes were devastated by the flooding are not people who can afford to make the necessary repairs; those are working people who live in my riding, people on fixed incomes, people working at the minimum wage. And this Treasurer apparently has decided that there will not be a disaster relief fund set up.

Words fail to describe how irresponsible and how utterly callous that decision is. I cannot understand the insensitivity of the Treasurer of this province.

Mr. Foulds: You did it for Bette Stephenson and your rich corporate owners of condominiums last year.

Mr. Warner: Those people will first be shocked, secondly dismayed and thirdly very angry. They will react in the only way they know how—by pleading and begging to this government for relief. They probably won't get it, because of an insensitive Treasurer who can find \$160 million for corporate friends but cannot find \$1,000 for a family to repair the damage that was done due to natural causes. A shameful behaviour for the Treasurer—
[8:45]

Mr. Germa: Shame, shame, shame. Resign, resign.

Mr. Warner: —and a shameful behaviour for this government. The whole bloody lot of them should resign.

Mr. Makarchuk: That's the spirit.

Interjection.

Mr. Warner: I'm sorry, Mr. Speaker, I will withdraw the part about the whole lot of them and just put in the cabinet.

Mr. Foulds: The back-benchers will agree.

Mr. Makarchuk: They always believe there is room for a promotion.

Interjections.

Mr. Warner: I think the latest reject has joined them. I listened very carefully to the announcement made this afternoon.

Interjections.

Mr. Warner: I listened this afternoon to the announcement by the Minister of Consumer and Commercial Relations on rent review and how he was now going to move to amend it to be six per cent. He was now going to institute, one, what we had told him earlier should be done and was rejected; and, two, what was the purported reason for the election. Laughable it may be but in \$20 million and a slight shuffle of six seats later we are back at the very point we began from back in the spring.

Mr. Havrot: Who got the \$20 million?

Mr. Warner: We told him that that is what should be done. He ignored it, said we had to have an election over it, and then turns around and institutes the very thing today.

And what will happen? You will raise the expectations of people in my riding and others who think that they might get a bigger measure of protection now. What a joke.

From the time that the rent review legislation was implemented we have never hit an average of eight per cent control on rents. The provincial average, it seems to me, and my colleague from Ottawa Centre (Mr. Cassidy) could verify it, but I believe the provincial average is somewhere around 14 or 15 per cent, increases in rent. And do you know why? Because this government never drew up the right kind of guidelines. The guidelines are the same as the kind of guidelines that we see in the budget: protection for those big landlords who own those places.

When you go to rent review on behalf of the tenants you find that the tenants are there at their own expense and the landlord is there at the expense of the tenants, because he can hire high-priced help—lawyers, accountants and bookkeepers—and charge the whole thing against the rent review. And the rent review officer, because of the guidelines that are given to him, must accept those charges and build it into whatever rent decision he reaches.

What a system. What a system. Purposely designed. And the message is there. It's there subtly in those guidelines. It's there again in today's announcement. "Hang on fellows over

at Cadillac Fairview. Hang on you guys; just a little bit longer. December, 1978 will come and then it breaks loose and you will have a field day."

Mr. Martel: The catch-up.

Mr. Warner: "You think you had fun before; wait until the lid is off in December 1978—"

Mr. Turner: Can't stand it, eh, Elie?

Mr. Warner: "—and you can gouge to your heart's delight." And will they? They certainly will.

When we started into the legislation over the rent review process there were a lot of cases that were trotted out by members and explained in passionate terms trying to convince the government that they had to act; they had to protect people.

One of the most interesting cases I ever ran across was one that was never even settled through that rent review process. It involved a building not far from here—I believe it is in the riding of St. George—and I know it was investigated well by the excellent member for St. George (Mrs. Campbell). She always has an open and compassionate heart for people. She met with the people in that building and those people told her, as they told myself, the story of how there were some corporate characters over on St. Clair who wanted to turn an apartment building into a luxury resting place. They were able, by pushing the rents up, to push the people out, and as they pushed the people out they renovated the place and turned it into a resting place for their executives. This was at a time when we desperately need affordable housing in this province.

This afternoon we went through a question and answer session with the minister without housing over the Kitchener-Waterloo deal—and admittedly we need all the figures on that. We don't know exactly how much money is being spent on that land; we don't know exactly what those costs are; and we don't know the precise profit the government will garner from that.

The interesting statistic that came out of that for me is that we spent a great deal of time arguing and squabbling over what amounts to probably 200 units of so called affordable housing—200 units. I suspect that last year's budget has probably produced not much more than 200 affordable units in the province of Ontario. Juxtapose that against a waiting list of 10,000 people in the city of Toronto for public housing and we get 200 units from the government. Shameful.

It reminds me very much of the fights that I've had with Ontario Housing Corporation.

Mr. Peterson: You lost them all because you are no good.

Mr. Warner: All of us here I'm sure understood and appreciated the situation of the family who had to pitch a tent on the front lawn of this place a few weeks ago, in a desperate attempt to point out to this government that they did not have housing. They did not have a place to live and the major reason for that was this government—

Mr. Peterson: That's where I pitch my tent.

Mr. Warner: —because this government has no responsibility, it feels, towards developing good housing. There should not be affordable housing for the people of Ontario, according to this government, and it never bothers to budget.

I'm willing to make a prediction tonight that a year from now there won't be any Ministry of Housing. You're getting out of the business.

Mr. Havrot: Oh yes. Shame.

Mr. Warner: You're dismantling the thing.

Mr. Peterson: You're against housing.

Mr. Warner: And you stop and look at it—

Mr. Peterson: That's where I pitch my tent.

Mr. Havrot: Pup tents.

Mr. Warner: The member for Timiskaming seems to feel—

Mr. Peterson: He thinks you're crazy.

Mr. Warner: He seems to think I'm crazy. I'll tell you you're not alone.

Mr. Havrot: I know, because everybody else agrees.

Mr. Warner: If you think that will deter me you're crazy.

Mr. Havrot: Thank you, very much.

Mr. Deputy Speaker: Order.

Mr. Warner: While the member over there may not feel it's particularly relevant that we talk about the disappearance of the Ministry of Housing, I ask him to take a look at what has happened over the last couple of years.

Where was rent control put? It should have belonged with Housing. I thought we were controlling the rents of a form of housing. No, it was given to the minister of corporate protection.

What happens to the Ontario Housing Corporation? What are they doing? They're selling off the land. They are getting rid of

the land that they presumably were land banking for the use of the people of Ontario.

Mr. Germa: Shame, shame.

Mr. Warner: They are now a developer and a speculator.

Mr. Makarchuk: Gougers.

Mr. Warner: What is happening to the Ontario Housing stock in Metro Toronto? You are turning it over to the trust companies to run for you. I ask you what is left for the minister without housing to do?

Mr. Havrot: Bring out the straitjacket.

Mr. Warner: I ask you, Mr. Speaker, what is left for the minister without housing to do. We're just lucky there's no Senate in Ontario.

What is so frustrating is that this government has never really recognized that decent, affordable housing is a right, not a privilege. They have never recognized that. That is why we see the dismantlement of the Ministry of Housing, we see a total disregard for public housing and we see an absolute non-commitment for non-profit housing. The member for Timiskaming (Mr. Havrot) will be enthralled to learn about non-profit housing.

Mr. Havrot: Tell us more.

Mr. Warner: In Sweden, for example, 40 per cent of all housing stock is non-profit.

Mr. Havrot: What about the taxes in Sweden. They are dandy.

Mr. Warner: Yes, I'm glad you raised that question.

Mr. Peterson: What are you doing here? They kicked that government out.

Mr. Warner: In the last survey that was done comparing six different jurisdictions, including Sweden and Ontario, it was found that Sweden had the highest per capita disposable income after taxes; higher than Ontario. Imagine that.

Mr. Havrot: They have the highest taxes in the world and the highest costs.

Mr. Warner: And the lowest taxes of the six jurisdictions; lower than Ontario.

Mr. Peterson: That's because they changed governments.

Mr. Warner: And the best stock of housing in the world. And, Mr. Speaker, we'll add to it. Do you know who out of those six jurisdictions had the highest per capita suicide rate—

Mr. Havrot: Sweden.

Mr. Warner: —among children aged five to 11? Ontario.

Mr. Peterson: Scarborough-Ellesmere.

Mr. Havrot: The NDP.

Mr. Warner: There's a good reason for that; children's services in this province are an absolute shambles.

Mr. Havrot: You're driving them all crazy.

Mr. Peterson: If you feel you want to assist, you have our blessing.

Mr. Warner: What are you blessing me on?

Mr. Deputy Speaker: Order.

Mr. Peterson: I said if you feel you want to assist you have our blessing.

Mr. Ruston: You should have stayed in the classroom.

Mr. Warner: The government should take those kinds of surveys very seriously and it should take them to heart. Despite what other members over there might feel, I find it very disturbing when I look at a survey like that to discover that Ontario has the worst suicide rate of those six jurisdictions, which included—and I should name the other ones—the United States, Canada as a jurisdiction, Ontario as a separate jurisdiction—

Mr. Havrot: What about Russia?

Mr. Warner:—Sweden, West Germany and Great Britain. To think that out of those six industrial nations, Ontario should have the worst record in terms of child suicides is a very discouraging kind of thing and it needs some answers. It's up to the government to provide them. They are supposedly in charge.

Mr. Havrot: Yes, the government is supposed to prevent suicides.

Mr. Warner: Most of us wonder, but members over there are supposedly in charge. If they have an extremely high suicide rate among children, explain it please.

Mr. Havrot: It's up to the parents. It's not up to the government.

Mr. Warner: That will give us a place to start.

I tell you what I suspect. First of all, children's services are a shambles, and one of the reasons is that we don't fund the Children's Aid Societies properly.

Mr. Turner: Everything is awful.

Mr. Warner: When we get to a Children's Aid Society which doesn't function properly, such as the Metro Toronto Catholic Children's Aid Society, what do we do? We turn our backs and walk away. If you're the government, you turn your backs and walk away. The government doesn't bother bringing them under control, make them operate properly and give them the funds they need. It just

throws up its hands and says it will sort itself out. Nonsense; absolute nonsense.

I'm glad that the Minister of Transportation and Communications (Mr. Snow) is here this evening—

Mr. Havrot: Here it comes.

Mr. Warner:—because I have a few little goodies for him. I'm not going to ask that the minister should justify the policy, or what appears to be the policy priority, over the last 20 years. Since he hasn't been the minister for 20 years that's hardly fair. I will, before I begin those remarks, certainly acknowledge that the Minister of Transportation and Communications makes a good honest effort at running his ministry and trying to do a good job. I acknowledge that.

[9:00]

What seems to me is the difficulty—and if I'm unfair about this I want to hear about it—is that the priority of this government has for too long been with the building and construction of roads and expressways as opposed to the development of good public transit.

Hon. Mr. Snow: Hog-wash.

Mr. Havrot: Hire more donkeys.

Mr. Warner: All right. You say hog-wash, and maybe you're right. I'm giving you my perspective on that. I'm saying that that's so.

Hon. Mr. Snow: Do you know what hog-wash is?

Mr. Warner: I will readily admit—and the minister may or may not be interested to know that I have on public platforms pursued this issue somewhat on your behalf—that the federal government has a responsibility in public transit, particularly in large urban centres in this country.

In Montreal, Toronto, Vancouver, Halifax, they have a responsibility, I think, towards capital costs. I think that's where they rightfully belong with their money. They made a promise that they would deliver \$280 million to Metro Toronto during an election campaign in 1974, in the month of July I believe, and never kept the promise. Not one penny has come to Metro Toronto from that supposed \$280 million.

Mr. Bradley: But they did put that in.

Mr. Warner: When I listened to the statement that was made by the minister today, he's absolutely right. I suspect that this so-called revelation that was delivered this morning by the minister—was it Otto Lang?

Mr. Mancini: I heard it last night. It was a waste of time.

Mr. Warner: That commitment could possibly mean fewer dollars for Ontario than

what we have been getting. I suspect that's what we might end up with.

It bothers me that we haven't had a stated priority, and the dollars to back it up over the last 10 or 15 years, towards public transit. I know now that you're in a bind—and I speak of Metro Toronto here—and that it's very difficult to develop a good public transit system with the high capital costs unless the federal government is going to get involved.

I recognize that. I understand it, but one of the things that could offset some of that, particularly for people in Toronto, is if the government would hand the grants over without the strings.

If the government says we're going to pay 15 per cent of the operating costs, so be it; but where the additional 85 per cent comes from is surely none of your business.

Hon. Mr. Snow: It isn't. There are no strings.

Mr. Warner: With the greatest respect, when I hear the minister's friends, such as the Metro chairman and the mayor of all the people, Mayor Crombie, tell me that those are conditional grants and they understood they were conditional grants; and they in fact show me—

Hon. Mr. Snow: You're totally wrong. Whoever told you that?

Mr. Warner: They showed me a letter from the minister which they construed to mean that it was a conditional grant, that if they did not guarantee that 70 per cent of the operating costs came out of the fare box the province would not hand over the 15 per cent.

Hon. Mr. Snow: That is a downright untruth.

Mr. Warner: Then I will sit and witness the fight between the minister and Paul Godfrey, because that's where it belongs.

Hon. Mr. Snow: There's no fight at all.

Mr. Warner: His interpretation is a little different from the minister's.

Hon. Mr. Snow: If you can't read, I can't help it.

Mr. Warner: We'll get on to the reading portion later, because the minister has fallen down there too.

Right now I want to pursue the policy a bit, because the money over the years has been spent for expressways. When I look at Toronto—and we know what goes on in Metro Toronto, a few years ago there was a chap who had a great design for expressways in Toronto, we should have one across the top of the city—

Hon. Mr. Snow: You have one.

Mr. Warner: —one across the bottom, one on each side; and a cross-town expressway.

Interjection.

Mr. Warner: Absolutely, right on.

The Spadina Expressway, that hooked up with the Gardiner; the Gardiner Expressway to the Don Valley and so on. Do you know what they did, very clever chaps?

They got the concept accepted. They then started to buy the land in parcels, a little bit at a time; and pave it, a little bit at a time; so that when you get embroiled in the fight you can say to the citizens: "Look, we are only going to extend it to St. Clair. We are only going to extend it to Eglinton." And the government of Ontario says: "Look, it's not a lot of money. We are going to pay x million dollars, because we are only paving it a mile and a half."

But as you do that, over 20 years, what happens? You end up with expressways criss-crossing your city, ruining the city in a way that the people of the city do not want.

The final crowning touch, of course, was the Scarborough Expressway; the Scarborough Expressway which a lot of people think has died. Not so. It is in a state of suspended animation perhaps, but it is not dead. Because you know, Mr. Speaker, probably hidden somewhere in this budget are the funds that are set aside for the Pickering airport.

The first opportunity you get, the airport goes in; and the minute that happens the expressway gets rammed through that residential area.

And you know the kind of expressway they are talking about; elevated. Elevated right across, through and over the houses. That's the path; the projected, proposed path that it takes.

Destructive, absolutely destructive. But you know you are willing to spend money on that. You are willing to spend money on a Pickering airport. You always have been.

Hon. Mr. Snow: Where did you get that idea?

Mr. Warner: From Dr. Godfrey, I was involved in that fight for a long time.

Hon. Mr. Snow: You know what happened to Dr. Godfrey.

Mr. Warner: You hid behind the fact — and the next time the airport comes back he will be back here.

Mr. Kerrio: Jim's the only one here who can't hide behind anybody.

Mr. Deputy Speaker: Order, please. The member for Niagara Falls (Mr. Kerrio) is not in his own seat.

Mr. Warner: Very good, and his seat is in the gallery.

Mr. Speaker, in conclusion, I don't wish to be unfair about it to the minister, but you know if it really is a policy priority to push public transit, I wish he would make it a little more evident to us and to the people out there, and back it up with money and with some statements.

Hon. Mr. Snow: How much money do you want?

Mr. Warner: Does the minister want me to give him a figure? For starters, I think what he could do is increase the percentage of operating costs by two per cent and we wouldn't have to increase the fares for the TTC; two per cent, that's all I want.

Hon. Mr. Snow: Another two per cent next year, two per cent the year after.

Mr. Warner: I didn't say next year, this year; two per cent.

I think the very real fight the minister has to carry on, of course, is with those characters in Ottawa, because they have an obligation, a responsibility. They may not want to live up to election promises; they never do. Nobody expects them to, but they should come across with the \$280 million or some similar facsimile.

Hon. Mr. Snow: We put in \$230 million last year and \$230 million this year.

Mr. Warner: And how much on roads? How much on highways and expressways?

Hon. Mr. Snow: None on expressways.

Mr. Warner: None on expressways, the minister is saving that for next year. **Mr. Speaker,** I would like to—

Interjection.

Mr. Deputy Speaker: Order, please.

Mr. Warner: You know if I could—I am finished with that so if you want to leave, that's fine—I want to go back to the housing question for a minute. **Mr. Speaker,** because you know I heard a gentleman on the radio this morning who had a very interesting question. He raised the question, you know, that the province, of course, has not provided affordable housing, they have neglected that. One of the difficulties in affordable housing is the high mortgage rates, and what the gentleman suggested was that since the province won't do it, since the province will not exert any pressure on those mortgage interest rates, since they won't even allow credit unions to handle that, perhaps what they could do is take some of the profits from Wintario and set up an eight per cent mortgage fund that prospective

home buyers could draw on. An interesting idea. Perhaps the minister of Wintario will think about it.

Mr. Havrot: Real robber barons; shame.

Mr. Warner: That's kind of an interesting thought, when you mull it over. Mortgages are very high. The federal government has made sure that all those nice friendly people in the banks and the mortgage companies and the trust companies will make handsome profits. They have never bothered to be concerned about the home buyers.

The real answer to that whole business, of course, is that you simply legislate that a portion of those profits be used specifically for low interest mortgage rates. That's a change in the Bank Act that's required from the federal government, but they won't do it.

Perhaps this government could move in by way of Wintario funds and set up a mortgage fund. I leave it for the cabinet to mull over in their extra leisure moments at La Scala.

I would like to move on to the Ombudsman—

Mr. Havrot: Who?

Mr. Warner: Yes, who? That's a good question. I was part of the group who said that to have an Ombudsman in the province of Ontario is a very good and desirable thing. I felt we should spend some money on it and we should pass some legislation. We should allow the Ombudsman to operate in a somewhat free way to handle the problems of the people in this province when they cannot get redress through the normal channels.

I am becoming increasingly disturbed as the budget grows and we get up around \$3 million for the Ombudsman's office, and I am not seeing results out of that Ombudsman's office. I have sent people there with some very serious problems—

Mr. McKessock: Why don't you do your own constituency work?

Mr. Warner: Because I am busy doing yours.

In one particular case, this gentleman had a very real problem with Ontario Hydro. He was a Hydro employee. He had, by mutual agreement, gone to work for two years for another government agency. When he returned to the job, his years of service to be applied against his pension were to start over again.

They then amended that to say "no, it would be all of the years he served with Hydro, but not the two years he had spent with another government agency."

Very strange. I don't understand the logic of that. They are two government agencies. He was on loan from one agency to the other, but he misses out those two years of his pension.

Hydro wasn't about to change their position so I sent him to the Ombudsman. There was nowhere else to send him. The Ombudsman came back with the same answer that I had found for the constituent five months earlier. I am beginning to wonder where our \$3 million is being spent, and what kind of results we are getting for it.

I am not saying we shouldn't have an Ombudsman—

Mr. Peterson: What are you saying, then?

Mr. Warner: Don't get me wrong—I think the concept is a valid one. We need an Ombudsman.

Mr. Peterson: What are you saying?

Mr. Warner: First of all, I question the amount of money that is being spent. You know, the opposite side of that is that Morty Shulman said "I could run the show for \$100,000." Probably not \$100,000, but I'll tell you it wouldn't be \$3 million.

Mr. Turner: You know what your caucus told him.

Mr. Warner: Morty could do the job, and would do the job; and he wouldn't spend \$3 million doing it.

Mr. Cunningham: How much would you spend?

Mr. Warner: However, at this point I want to remain objective about it. We need, perhaps, to give the office a little more time; but I think that we have to have a pretty detailed examination of where that money is going, and of the results. Like the other 124 members, I got the report of the Ombudsman, and those little numbers don't do me much good.

[9:15]

There has been sleight of hand in this budget, as there was in last year's budget. A lot of taxpayers in my area and in the rest of Metro think their taxes have gone up because of the local spending on education. But it isn't so. This government in the last two years has reduced its expenditure on education for Metropolitan Toronto by 10 per cent.

Mr. Havrot: It's about time.

Mr. Warner: Only 22 per cent of our educational dollars are now coming from the province of Ontario, and the remainder is raised by the property tax. They do that sleight of hand because it isn't obvious to the people out there. Their tax bills come from

the municipal politicians; so, when the education tax goes up, they blame the municipal politicians. Well, the blame rests over there, because it's this Treasurer (Mr. McKeough) and this budget that has helped to increase the property taxes, and in particular the education tax.

Mr. Havrot: You're all wrong.

Mr. Warner: Thank you. That makes two of them. There was one guy down here.

That kind of sleight of hand isn't going to wash forever, because the taxpayers are beginning to get the message.

Mr. Ashe: In Manitoba too.

Mr. Peterson: You've got your metaphors mixed.

Mr. Warner: Last night I attended a meeting to deal with education and there were close to 1,000 residents there.

Mr. Cunningham: I thought you bowled on Wednesday nights.

Mr. Warner: They wouldn't let me in the same place where the member goes.

Mr. Mackenzie: You guys have got a long way to go.

Mr. Warner: That's right. They'll never pin that one on me.

At the meeting last night, where there were approximately 1,000 residents who had come out to discuss the education portion of the Robarts report. The statement was made there, not only by myself but by others, that the real problem in all this finance rests with the government of Ontario because they're the ones who have been cutting back on expenditures and forcing the property taxes upwards.

Do you know something, Mr. Speaker? There wasn't one person in that audience of 1,000 who disagreed—not one—because they're beginning to get the message. As those property taxes skyrocket, they know who is to blame.

Hon. Mr. Snow: You wouldn't mislead them, would you?

Mr. Warner: Is the minister kidding? I don't play his game.

Talk about sky-rocketing taxes, the next little goody the government is going to toss at us—and according to the Treasurer it will either be just before the winter recess or in the spring—is the Blair commission stuff: market value assessment. Isn't that going to be a goody? Some of the figures are in now—

Mr. Kerrio: Dave, are you going to run out the clock?

Mr. Warner: Sure. Why not?

Mr. Peterson: If you are, we're all going home.

Mr. Warner: I share the hon. member's trepidation that I may not have enough time, but I'm quite willing to resume next Thursday.

Mr. Peterson: We are having a lot of trouble holding a quorum; that's why.

Mr. Warner: They have trouble holding a caucus, let alone a quorum.

When you talk about the Blair commission and market value assessment, Mr. Speaker, do you know that some of the figures are in, indicating that—and catch this one—a house with a 15-foot frontage in downtown Toronto will see a \$500 increase in taxes? I'll tell you right now, Mr. Speaker, the people who live in those houses cannot afford a \$500 increase in their property taxes.

Mr. Peterson: You are right. I live in one. You are quite right. Keep it up.

Mr. Warner: The member lives in one? He probably has one for a dressing room.

I don't know what it is that motivates this government to foist a \$500 increase upon working people who can't afford that. I don't understand that.

Mr. Peterson: They hate people in 15-foot houses.

Mr. Warner: I don't know why they persist, for example, in punishing senior citizens by heaping the education tax on them.

There is a resolution on the order paper by my *buono companio* from Downsview which reads that education tax should be taken off for seniors. I started that fight three years ago prior to the 1975 election and have carried it on ever since, and will continue. This insensitive government sits there and says it's fine to drive elderly people out of their homes; that it is all right, there is nothing wrong with it.

Mr. Baetz: What about property tax credits?

Mr. Warner: Property tax credit, the man says! Do you know how much that is? At best \$180 a year—big deal—for someone who is on the old age pension. Absolute peanuts.

Mr. Havrot: It's peanuts to you, I guess, but it's a lot of money to other people.

Mr. Germa: Why do you hate old people?

Mr. Warner: Do you know why I say it is peanuts? Unlike you, I have contact with those senior citizens—

Mr. Havrot: Oh, you do? You aren't the only one who has contact.

Mr. Warner: —who are told by this government "Sell your house."

Mr. Havrot: You have got a priority on virtue—do-gooder.

Mr. Mackenzie: At least we know you haven't.

Mr. Warner: No, I don't have a corner on the market, I just understand it. It really galls me to think when any person, but particularly a senior citizen, phones the government, which he expects is going to have some dispassionate, but objective and feeling remarks to make, and the government says to him "If you can't pay the bills, sell your house."

Mr. Cunningham: Stephen sold his.

Mr. Warner: He wasn't a senior citizen.

Mr. Conway: Oh, but he is growing old.

Mr. Warner: That treatment of senior citizens is absolutely wrong. There just aren't words to express the anger that I feel when I have a senior citizen in tears tell me that.

Mr. Conway: Did the member for Yorkview (Mr. Young) have you in tears?

Mr. Warner: No, but you will. Some of the members over here appreciate it and understand it.

Mr. Conway: I am old but not that old.

Mr. Mackenzie: You are about the oldest member in the House.

Mr. Conway: The Geritol caucus.

Mr. Warner: Some of the worst situations in Ontario today are for women around the age of 50 to 55 whose husbands suddenly die and there is no life insurance, there is no job and there is no income. No matter what social benefit you go to in this government, there isn't a sufficient amount of money to meet the needs of those women. Do you know what the government says then? "Sell your house."

Mr. Conway: So, in conclusion.

Mr. Warner: Last week I fell asleep during the member for Renfrew North's speech. I'd appreciate a similar return.

Mr. Conway: It is not that your speech doesn't deserve it.

Mr. Baetz: You can keep your house and still get welfare benefits.

Mr. Warner: Baloney.

Mr. Baetz: Baloney nothing.

Mr. Warner: With the greatest of respect, you should be the Minister of Agriculture and Food.

Mr. Peterson: There is a real Tory speaking.

Mr. Warner: That is a solid Tory through and through. He should be the Minister of

Agriculture and Food. He has learned how to grow baloney.

Mr. Cunningham: You are being silly again.

Mr. Havrot: You should know where baloney comes from too.

Mr. Makarchuk: The new technology—he grows baloney.

Mr. Peterson: If he could do it, he would be Premier.

Mr. Mackenzie: He thought he was going to be in the cabinet.

Mr. Warner: One of the most disturbing things that has happened in the last few weeks, and it is related to this budget, was the announcement by the Treasurer of Ontario to the Provincial-Municipal Liaison Committee that they could expect the generosity of a 5.3 per cent increase in the transfer payments next year. You and I both know what that means, Mr. Speaker. The municipalities have programs which must be fulfilled. Many of those programs, I remind you, are ones that the province lured the municipalities into. Once the programs are going, the government of Ontario gets out and the municipality is stuck with carrying on the program.

A good example is the day care. That is what happens with daycare centres. We'll give you the money to start them up; once you get them going we will take the money out and you run them. Fine, you run them; but where is the money?

Those daycare centres get operating and then the Treasurer says you are going to get five per cent increase next year. Five per cent; that is not sufficient. You know it and I know it. The Treasurer knows it and won't admit it; because what he says is those municipalities are irresponsible, they don't know how to manage their budgets, they don't know how to spend their money.

Mr. Conway: Insensitive Tories.

Mr. Warner: That's absolute nonsense. In the city of Metro Toronto, for example—and I'll give you a very real problem that we face; and if this government doesn't believe it now, perhaps they will in a short while when the report is released on racial violence in Toronto. We have a serious problem in the city of Toronto, and one of the answers to it, as identified by the Metro Toronto police force, is that we need an extra 100 officers. And many of those officers should be community liaison officers; we need community workers working in the community to help relieve the racial tension that has built up.

Mr. Conway: Give Phil a pistol.

Mr. Warner: Will we get the money? Absolutely not. I'll tell you right now, although this city identified the need for 100 extra police officers we won't hire one, not one, because of the Treasurer of Ontario. And as the racial problems build in Metro, as they get worse—

Hon. Mr. Snow: Darcy never was a policeman.

Mr. Baetz: Very inflammatory; you are building it up.

Mr. Warner: The duke of Chatham-Kent probably wasn't much of anything, but then again that is his problem.

But we live with it, because the budget comes back to us and we are told in Metro Toronto you are going to have an increase of only five per cent and you can run all those programs we set up for you. Handle the racial problems; try to run the transportation system; try to run the school system—and we don't have the money to do it. And the crunch comes back—

Mr. Conway: Is the educational system getting along without you, David?

Mr. Warner: Not as well. They are surviving, but just.

It comes back on the property tax—I see this whole dialogue has attracted yet another member.

The particular remarks although they are always understood and appreciated by the previous occupant of the Speaker's chair will have an even more definite meaning to the present, who has resided in this city for a long time, who has dealt with some of the problems that I have just finished outlining—

Mr. Conway: Vernon Singer has lost weight.

Mr. Kerrio: We won't hold that against him.

Mr. Conway: Is it true he is running for mayor?

Mr. Warner: I am sure, Mr. Speaker, you will make every conscious effort possible to persuade the Treasurer of Ontario that his budgeting is wrong and that Metro Toronto needs more money, because we have problems that we cannot solve without the additional funds.

I would like to touch upon another area that is hit by those budget cutbacks. What happens when you start to load the taxes onto the property, what happens when you increase the property tax and decrease the amount of money which is spent on educa-

tion, is that you hurt some of those—boy, it's bringing them from all over the place; how about that.

Mr. Makarchuk: A real, honest-to-goodness cabinet minister.

Mr. Warner: I welcome the minister who needs correction.

[9:30]

You know, as you cut back in the educational system, the first to get hurt are those children requiring special education. In particular—and I wish the member for York Centre (Mr. Stong) were here because he would appreciate these remarks. The member for York Centre—the other members of the House may not be aware of this—spent a great deal of time working on the difficult problem that children with learning disabilities face.

Mr. Havrot: I see you have that problem too.

Mr. Peterson: Was he your teacher?

Mr. Warner: So the flunkout from the gong show is still here.

As the member for York Centre knows very well those children who have learning difficulties have been abandoned by this province, absolutely abandoned.

Mr. Conway: He is a great member.

Mr. Warner: I believe the member for York Centre has taken at least one of these cases to court as a legal representative..

Partly because there are too many children in classrooms, the child with the problem doesn't have that learning difficulty detected early enough. He or she goes through, perhaps, some remedial classes, but without anybody really detecting what the difficulty is. When it is finally unearthed, the answer comes back, "I'm sorry but there really isn't very much we can do for you here in Ontario, because Ontario does not deal with this problem. But there is a place where your youngster can go to school and get the kind of specialized schooling which is needed." That is, to some of the special schools, such as Gow school in New York state, or other schools throughout the United States. The child can attend there; it will cost the family approximately \$5,000 per year, but they can send the youngster there.

Because the government abrogates its responsibility in this regard, the parents are left to fend for themselves. You and I might think this particular expenditure and this particular concern should come under the Ministry of Education, but it doesn't. A child with a learning disability is not considered to be part of the educational system. Do you

know the only people in this whole government who can help him? Rehabilitation officials in the Ministry of Community and Social Services. Somehow it's a social service if we help children to learn to read.

What nonsense. Because this government cannot take on the responsibility of educating every child in this province, parents are left saddled financially and emotionally with a very severe problem and that youngster, if he's to get help, goes to the United States.

Then Community and Social Services complain, and rightly so, that they are spending an inordinate amount of their budget on what really shouldn't be their problem. They're supposed to be rehabilitating workers. Why are they having to spend money on children? There's a loophole in the law, a spot in the courts; and that's where the money is for this assistance, if you can get it. But they shouldn't have to be spending the money on that, it's a function of education.

However, we cannot convince the government. In all fairness, I do not blame the Minister of Education (Mr. Wells). In my own opinion, with some exceptions, the Minister of Education has a very firm, compassionate understanding of the needs of education in this province.

Mr. Havrot: Right, way to go.

Mr. Warner: But the problem comes to rest on the entire cabinet, because obviously the argument—

Mr. Havrot: That was a left-handed compliment.

Hon. Mr. Drea: Not me.

Mr. Warner: Not the minister because he has just arrived in cabinet, and he may be part of the revolving door routine, we don't know.

Hon. Mr. Drea: If you are ever in one of my revolving doors—

Mr. Warner: The problem has been put before Community and Social Services, by members of this House, through the court system and through constituents, and yet the government refuses to do anything about it.

We've got another bill on the order paper, one that's been here for some time; it appears every year. It says that every child in this province has the right to an education. I don't know when this government is going to accept it. It hasn't done so over 33 years but at some point it has to because every child does have a right. The government has to meet the individual needs of each child in education, and it has to fund it properly

and stop pushing that expense back onto the taxpayers. It's not going to wash forever.

Hon. Mr. Snow: Where do you think that money comes from?

Mr. Ashe: It grows on trees.

Mr. Warner: We could probably start with the minister's salary, but I'm not sure that's fair.

I keep getting more samples of potash.

Mr. Elgie: Sammy's waiting to speak.

Mr. Cureatz: Just five minutes.

Mr. Peterson: Let Sammy run.

Mr. Warner: I will leave that to be decided by the whips. You decide when I should stop, okay? I'm just getting started; I'm just getting warmed up.

An hon. member: Our whips have all gone.

Mr. Warner: Your whips have all gone? Terrific.

While I follow through on Metro, I was talking earlier about the racial problems that exist here—

Mr. Peterson: But not well. You haven't talked about it well.

Mr. Warner: —and are going to be under-scored pretty heavily when that report comes out from Mr. Pitman in the next day or so. The Ontario Human Rights Commission has tried—

Mr. Peterson: They feel very sorry for us listening to this speech.

Mr. Warner: File a complaint.

The commission has tried over the years to work through some of those problems. Do you know the story, Mr. Speaker? It doesn't get enough money. The Human Rights Commission doesn't have the officers to pursue those cases. It doesn't have the investigative staff.

Mr. Havrot: Oh, come on.

Mr. Warner: Talk to Mr. Armstrong—

Ms. Gigantes: You know that's true.

Mr. Havrot: Just come to the estimates discussion and find out how much money they have.

Mr. Warner: Talk to Bromley Armstrong and Dr. Wilson Head, as I have, and the hon. member will find that the story is partly financial. They don't have the officers to pursue those cases.

Mr. Havrot: Where were you during the Labour estimates?

Hon. Mr. Drea: Everybody in this world tells you they haven't got enough money.

Mr. Warner: Listen, I know the minister is busy trying to lock up women. It's okay.

Hon. Mr. Snow: There's one over there you can start with.

Mr. Warner: He's got a brand-new jail in his riding to do it with.

Hon. Mr. Drea: Don't you like that jail?

Mr. Warner: By the way, what ever happened to the courthouse? I thought we were getting a courthouse in the minister's riding?

Hon. Mr. Drea: You are. You are. You are. That's three times I have said it.

Mr. Acting Speaker: Order, please. Could I ask the member for Scarborough-Ellesmere to continue with his speech—

Hon. Mr. Snow: What?

Mr. Acting Speaker: —without listening to the interjections? I would ask the hon. minister to cease interjecting.

Mr. Warner: I would be glad to continue with my eloquent remarks. Thank you.

It's a very curious kind of spending that goes on. Most people here, other than the member for Scarborough Centre, are not aware of the exact geographic boundaries of my riding, but when they go to put a building in, there's no way it's going into my riding. It goes on the south side of Eglinton Avenue, which is Scarborough Centre.

Hon. Mr. Drea: That's not true.

Mr. Warner: The courthouse goes on—the east side of McCowan Road?

Hon. Mr. Drea: Mr. Speaker, on a point of order, the detention centre is not in my riding. The detention centre on Eglinton Avenue is in the riding of the leader of the NDP.

Mr. Acting Speaker: Order, please.

Hon. Mr. Drea: I would suggest that the member keep that straight—

Mr. Acting Speaker: Order, please. That is not a point of order. If you disagree with what a member says, you can raise it at another time, but that is not a point of order. The member may continue.

Mr. Warner: Mr. Speaker, although it's not a point of order, I stand corrected and I appreciate it having been pointed out to me.

Hon. Mr. Drea: If you don't even know where your own leader lives, my friend, you're not in much of a position to argue.

Mr. Mackenzie: That's why he wants to filibuster.

Mr. Warner: We talked earlier about the minimum wage and the fact that this government feels that \$5,000 is a reasonable amount of money for a person to try to exist on today and that \$8,000 a year is unreasonable, extravagant, way too high. While the government

is doing that, it is helping to undermine the moral fibre of the people who work for a living. You don't require much moral fibre if you're George Weston, because you can be an economic leech and be praised for it.

There is no moral fibre required if you're an E. P. Taylor because, again, you can have parasitic paralysis set in on the nation and you get cheered for it. But the worker who goes to work day-by-day and works for \$2.65 an hour, or \$5,000 a year, is told that he really shouldn't be making any more.

What that does is say to that person that he's not worth very much; that society doesn't consider him very important. He reads in the paper that there are people who not only are earning \$100,000 a year but get a \$100,000 increase—it's obscene, it's absolutely obscene—but you're earning \$5,000 and you can't get a cent more. That's wrong.

While we're with labour, and the amount of money that is spent on that ministry, I really wish—and I had the most dramatic case brought to me today to prove it—that the Workmen's Compensation Board would stop persecuting people. The person who came to me today has a case that goes back six years. He's had the most expert medical diagnosis available in this province. I choose those words very carefully, Mr. Speaker, because I researched that case very thoroughly.

Mr. Ashe: Are you sure it wasn't the Ombudsman?

Mr. Warner: After six years of being hospitalized every year for a certain length of time, and after having been thoroughly examined, today the Compensation Board says to him, "You're fit for light work." The man is lucky if he can walk from one place to another. He's racked with pain unending. He was diagnosed that way by the most competent medical experts—not Compensation Board lackeys, real doctors—and yet the board told him: "We're going to cut your pension." That miserly amount is going to be cut.

Where is the increase for the injured workers to begin with? In the budget we find money for those corporate characters who want an extra \$160 million, but we can't find an extra \$50 a month for an injured worker. That's obscene, it's absolutely obscene and shameful.

While you're at it, for the one cabinet minister who is left and hasn't been driven out of here, speak to the Minister of Labour (B. Stephenson) and tell her that she's got to do something about outlawing strikebreakers in this province. I suspect that the member for Scarborough Centre is aware of this particular incident. I sketch it out briefly to

prove my point. The Becker strike. Oh, it's a good friend of the party in power. The president, Mr. Lowe, had his picture on the Tory campaign literature in Scarborough West. He's a good man.

Hon. Mr. Drea: Not in Scarborough Centre.

Ms. Gigantes: So what is the minister going to do about it?

Mr. Warner: They get into a labour dispute and there's a strike and the first thing they do is hire strikebreakers. The police, of course, as usual assist them through the line. Try and stop strikebreakers when they're in a diesel Mac truck, that's a fun exercise. You've got a diesel Mac truck on one side coming out and you've got police on horseback on the other side. The member for Scarborough Centre recalls that I raised that issue the very next day here in the House and the following day the horses were removed, thank goodness. What a vicious kind of thing to do.

You know what happened through all of that? You allowed the strikebreakers in, for starters, when it should never have happened, and when the strike was over and settled, 29 of the people who were legally on strike were not taken back. Workers who were on a legal strike, had withdrawn their services legally under the Act that is defined by the Legislature of this province, can't have their jobs back. That's wrong. Mr. Lowe and company will get away with it because that vicious outfit, Beckers, has the full weight of the laws of this province on their side. It had the full weight of the government, irrespective of any campaign literature with the man's picture on it.

[9:45]

An hon. member: Lock him up.

Mr. Warner: When I think about the difficulties we face in our hospitalization system and the inadequacies of the budget to meet those problems, I cannot for a moment understand why the province insisted on raising the premiums. This province decided to raise the premiums to the highest level for medicare of any province in Canada.

An hon. member: Right on.

Mr. Warner: And while they were doing it, one province was abolishing the premiums entirely—

An hon. member: Alleluia.

Mr. Warner:—and another was reducing them almost to the oblivion mark. Those two provinces were progressing towards doing away with the burden and finding that they

could not only lower the premiums but at the same time they could increase the coverage. They could bring in dental care for children—and that's the first place to start; surely children should be getting good dental care, yet at the rates that are charged in this province most people can't afford it. They were expanding their medical program to better the lot for people in the province and lowering the premiums at the same time.

And what was this province doing? Reducing its service and increasing the cost. While we are at it, we should all remember that although there are large sums of money in this budget for the health care system in Ontario, most of the system is in private hands.

While we are at it, and it's very much a financial matter, I cannot let the opportunity go by without raising what I think is very much a serious moral issue with respect to the laws in this province.

My colleague the member for High Park-Swansea (Mr. Ziemba) saved the government of Ontario \$2.6 million. He individually was responsible for recouping \$2.6 million of money which had gone to those private labs and the province collected the money. The reward for that was that he went to jail and the crooks were out on the street. What kind of a province is this that says we reward **your efforts for saving taxpayer dollars—\$2.6 million worth—by putting you in jail and the guys who caused the problem are out on the street.**

In addition to that—I was not here that day—but I understand that the day the member for High Park-Swansea, was able to come back here—

Mr. Ashe: He looked pale.

Mr. Warner: —after having protected our rights as members of this Legislature, he did not receive applause from every member in this House. That's shameful. He protected our rights. Because of his efforts, the courts are now going to look at our rights and privileges and see whether or not we can accept privileged information. I don't know about other members in the House, but I suspect most of them—I would certainly include myself—have had people who come and give information and ask that the source be confidential.

Mr. Peterson: If it was good I hoped you would use it in this speech.

Mr. Warner: I would be glad to send you copies of all those speeches. You will need a truck to carry them away, mind you.

I took information that was given to me in one particular case—it's no secret at this

point, it involved the Toronto General Hospital—and I turned the information over to the Attorney General, without mentioning names, simply that it involved the Toronto General Hospital. I gave him the information and asked him if he would investigate, which he did. As it turned out there was not a sufficient amount of evidence to lodge a charge.

The point of it is that through that procedure, had I been pushed I would, I assume, have been asked to reveal the name of my source. It so happened that the source worked at the hospital at that time, and that person's job might have been in jeopardy. I wasn't about the reveal that source. I guess that **under the silly laws that we have I would have gone to jail.**

But I didn't have to do that—much to the chagrin of my colleagues on the right; and maybe some over here, for all I know.

But one of our members—I mean one of the 125—stood up for that privilege and went to jail for it; and the crooks were free. It has to be changed. But more than that, I certainly applaud him, belated as it is, for having the courage to stand up for all of us, the 125 of us.

I look at the social services and the money we spend on social services, and I can't help but say every time a dollar is spent on social services it has stamped all over it, "This is a handout."

The procedures that people go through are demeaning. When you go to welfare—and that's not directly your responsibility, the money flow through welfare, I understand that—but I have had too many constituents come in and I have had to phone the welfare department to tell them: "Look, I think you should shape up or ship out. Because you have to have some common decency when people come in to see you."

It's a demeaning kind of process to go to a welfare office and say: "I am destitute. I don't have any money and I have children who need clothing, who need to be fed; rent that needs to be paid. But I don't have any money and I don't have any job. I need welfare."

The welfare people view you with suspicion, with indifference; and they give you the third degree as though you were trying to rip off the government for huge sums of money.

You know something, in a city of Metropolitan Toronto they have just finished doing an exhaustive and extensive search of their social services budgets, on the amount of money that was spent and where it was carelessly spent. You know what they found in terms of fraud and the sort of common story

that's out there; you know how many people ripped them off and for how much? I am just recalling from memory, but it seems to me the figure was something like \$126,000 they have been ripped off for by 137 people—which is an average of less than \$1,000 per year. Do you know what it represented in terms of the total number of people who were on welfare benefits? Point zero three per cent; three one-thousandths, 0.03 per cent.

We are ripped off by the economic characters on Bay Street for more than that per day. But that's quite all right, thank you. Every time we get ripped off by the coffee price in a store—I think the Minister of Consumer and Commercial Relations (Mr. Grossman) is aware of that now—but every time we get ripped off by a coffee price in a store nobody gets upset.

Hon. Mr. Drea: I do, and you'll read about it.

Mr. Warner: Well, the minister does, but he cares about coffee. Nobody really gets upset and does anything with those corporate creeps, but some poor soul rips off the government for \$1,000 over the course of a year and the full weight of the government will come crushing down upon him. It's like the story of the Boy Scouts now, the Blair commission and all those austere gentlemen say we should tax all the property of the Boy Scouts in Ontario.

Well bully; bully! And they had better pay up or go out of business, because that's what will happen. You really have three choices; you either pay up, go out of business, or get the municipality to pay it. If the municipality has to pay you know where it comes from—the property tax again. Those Boy Scouts had better shape up or the full weight of the government is going to come crushing down on them.

Do you know what else Blair and those austere Tory gentlemen seated alongside threw in there? They said we should do the same thing with the YMCA—

Mr. Philip: And the CNIB.

Mr. Warner: And the Canadian Institute for the Blind and every charitable community group. Tax them, and if they don't pay their taxes let them go out of business. What a cold, callous government.

This government does not understand the problems of working mothers, especially working mothers who are the single parent of a family.

There are daycare needs. I had a constituent come to me and say she had worked it all out. She had landed a full-time job; a

reasonably well-paying, full-time job for her, in her mind at \$105 a week. Do you know something, Mr. Speaker? It was going to cost her \$3 a week over what she was presently getting through mother's allowance, because the cost of day care for her two children, plus bus fare, were more than what it would benefit her to be working.

The system was saying to her; "Stay at home and collect mother's allowance, a mere pittance though it is, because we're not going to guarantee you any more money in the work place and we are going to force you to pay exorbitant rates for day care."

Ms. Gigantes: Is the member for Ottawa West (Mr. Baetz) listening?

Hon. Mr. Drea: Yes, I am.

Ms. Gigantes: The member for Ottawa West.

Mr. Baetz: Yes, I am listening.

Mr. Warner: Those are very real problems and the government members—of whom there are only three present right now, let it be recorded in Hansard—do not understand.

When I toured the campuses of each college and university, of which there are 40 in this province, over and over again I got the same story from women who were desperately struggling to get a better education, because they needed to arm themselves with a better education in order to get a decent job to support their families.

They were deserted by husbands. Because of the laws in this province, a deserted husband who chooses not to make the payments goes scot free. Do you know what these women found? Barriers every place they turned. There were barriers at the university level; they couldn't get grants, no budget for that. You can't get a grant if you're taking part-time studies. You can't get any assistance with the purchase of your books. You can't get any day care for your children.

On top of that, the woman is faced with the situation that she has not been in school for many years, feels very lonely and feels it to be a very difficult situation. She's in classes with people who are 10 and 15 years younger than she is. This government never raises a finger to help.

Ms. Gigantes: You are going to do something about that?

Mr. Warner: The plight of women in this province is still as bad as it ever was. The member for Scarborough Centre may shake his head, either in disagreement or to get rid of the cobwebs, I don't know which; none the less he shakes his head.

International Women's Year accomplished nothing. Nobody listened over there. Do you know what affirmative action means, Mr. Speaker? To this government, it means affirmative inaction. Take a look at the number of women who are in positions of authority in the civil service. Compared with two or three years ago the record is just as bad, if not worse, than it was then. And it's not getting any better.

Hon. Mr. Drea: Not in my ministry.

Mr. Warner: Do you know what happens in industry? It doesn't mean that the women's wages go up, but in a lot of cases that the men's wages come down to what women's were. That's equality, according to the government; and it is not prepared to do anything about it.

[10:00]

Mr. Baetz: We have more women in our caucus than you have.

Mr. Warner: The member for Ottawa West is probably aware of what the good Treasurer of this province (Mr. McKeough) stated in this budget, Mr. Speaker: "Women are secondary wage earners." You tell that to a woman with two children, who is struggling on her own to maintain a family, that she is a secondary wage earner. What a perverse way to look at things, absolutely perverse.

Ms. Gigantes: The Minister of Correctional Services thinks it is funny, because his is the only ministry that is progressing.

Hon. Mr. Drea: We are progressing and you know we are.

Mr. Warner: Sure, why pay them more money when you can lock them up?

Hon. Mr. Drea: Not true, that's not true.

Ms. Gigantes: That is where we are making our advances.

Hon. Mr. Drea: In mine, that's right.

Mr. Philip: If they put you in a different ministry every year we'll make progress in 20 years.

Mr. Warner: Mr. Speaker, before I continue, I wish you to know that this is the first opportunity since the opening of the House that I have had to express my views to you. I want you to know that I, as a member for Scarborough-Ellesmere, am very proud that you have been appointed to the position which you now hold. I wish you to know, sir, that I have a great deal of respect for your ability; for your objectivity; and for the wisdom which you bring to your office; and in addition for your sense of

humour, which was very well displayed this afternoon. Some of us may actually wish that those two leaders "decease"—I don't know, that's probably a good idea—however I congratulate you, and certainly the Premier (Mr. Davis), and the Leader of the Official Opposition (Mr. S. Smith) who seconded the motion for your appointment. I know that you will conduct the affairs on behalf of all of us, and for this Legislature, in a very good and dignified way.

Mr. Speaker, I was about to explain, particularly for the benefit of the member for Timiskaming (Mr. Havrot), who I know won't make any remarks because he is not in his seat—

Mr. Samis: The anti-Davis member.

Mr. Havrot: That is why you are going after me.

Mr. Warner: He understands the House rules that you make comments from your own seat.

Hon. Mr. Drea: That has never stopped you.

Mr. Warner: A very curious thing happened to some people in my riding. They had been told, through the Ontario budget 1975, that there would be a home buyer's grant of \$1,500 available to them if they did not own a home anywhere else in Ontario. "In Ontario," printed in the budget paper 1975 in black and white, and given to the real estate folks. Here is your advertising gimmick: Tell all the people that as long as they haven't owned a home in Ontario, they are eligible for a home buyer's grant of \$1,500.

When the legislation came in that little caveat about "In Ontario" was missing, and the implication was anywhere in the world. So now, constituents in my riding get letters saying give back the money, pay it back to the Treasurer of Ontario, the \$1,500. I asked the gentleman why. Because they claimed he owned a home elsewhere. He was told by an official government document, remember that as long as he didn't own a home anywhere else in Ontario he could collect the money. Do you know where the gentleman owned his house? His house was a cottage in England, which he sold, and can verify the sale thereof for 400 pounds English sterling. Do you know what 400 pounds is? Not even the air fare for his family to come to Canada; and for that the Minister of Revenue (Mrs. Scrivener) now wishes to collect. Because the government made a mistake the citizens of my riding should pay for that mistake; ridiculous.

What are we doing about it? First of all, the government is not doing anything about it, except they are trying to collect. My advice, and I think sound advice for any member in this House, is don't pay the money. Let them sue you.

Mr. Makarchuk: Garnishee them.

Mr. Warner: Take them to court and we'll fight it in the courts. How else can you confront an insensitive government? Not totally insensitive, because that home buyer's grant was available to Otto Jelinek. Ah yes, the famous skater of ice and politics.

Mr. Samis: A man who needs welfare.

Mr. Warner: Yes, in desperate need of help. He should be on skates, all right; roller skates and headed south.

Mr. Samis: He has to resign first.

Mr. Warner: I think that through this budget discussion we need an answer from the Minister of Revenue, because I don't think those indiscriminate persecutions should continue. How on earth can you say to people who were lured into buying by the ad that said as long as they didn't have a house in Ontario, people who would not have otherwise purchased that home, that because of a government error they should give back the money? How on earth can you do that? It's wrong.

Since I have just learned that all of the members in the cabinet have duly noted my comments and are furiously and frantically working on the solutions and will probably continue to do so into the wee small hours of the morning—and using their wee small minds to do so—I think that—and this will certainly wake up somebody—I wish to conclude my remarks.

I think the member for Renfrew North (Mr. Conway) just fainted.

This budget provides the final chapter, the explanation, the conclusion to the decay of the economic system in this province. We are watching the government—

Mr. Samis: Only in Peterborough.

Mr. Warner: In the last little while we have dealt in a very highly charged way with the issue of the Sudbury basin and Inco. In some sense that whole thing is symbolic of what is happening to the economic system, which has never been strengthened by any budget in this province over 34 years; don't ever think for a moment that any budget brought in by a Tory government has ever strengthened the economy of this province, because it never has.

Mr. Havrot: Richest province in Canada.

Mr. Warner: It has handsomely lined the pockets of many on Bay Street and elsewhere, but it has never strengthened the economy. If it has, we would not be talking about Inco today; but because the government so easily discharges its responsibilities in economic planning, we watched the system in the Sudbury basin crumble. We have been so content to let all of that ore and the nickel be dug out of the ground and shipped off elsewhere for processing, with a few minor exceptions, and to allow other countries to dominate the major sections of our economy because we have allowed the multi-national corporations to control what goes on in this province of ours, we are now witnessing the desserts of that: that is that the economic system should start to crumble. It isn't just Sudbury and it isn't just Port Colborne.

An hon. member: It's Peterborough; Outboard Marine.

Mr. Warner: Outboard Marine is a good example that as you start to look everywhere across this province, Mr. Speaker, the manufacturing sector fails. Electrohome is in the process of going out of business. Look at every portion of that manufacturing sector and it is failing. Why is it failing? Because the government allowed foreign domination of our system.

Mr. Havrot: The robber barons of Bay Street.

Mr. Warner: As that economic system crumbles about it, the government continues blithely to state its platitudes about how we must boost up, we must boost up the economy with such direct, hard-nosed measures as tax write-offs for machinery; big deal.

Mr. Speaker, the budget is totally inadequate. It does not answer the problems of Ontario. It may be viewed with either pleasure or amusement by those corporate creeps down on Bay Street, but I'll tell you right now, Mr. Speaker, that means not a jot to the worker of this province, because no Tory budget ever could. Some day we'll have the opportunity to right those wrongs and get this province back on the track and back to work.

Mr. Cureatz: I first want to thank very much the hon. member for Scarborough Ellesmere for that two hour warmup, allowing me the opportunity of finishing my choice verbal jewels.

Mr. Warner: Do you want me to go past the warmup? I will do encores next week.

Mr. Cureatz: I rise with distinct pleasure to participate in the budget debate representing the good citizens of my riding of Durham East.

Mr. Peterson: Is that a new suit for the occasion, Sam?

Mr. Cureatz: I might add their wise decision to engage Progressive Conservative representation is a reflection, I think, of their support of this government's commitment to eastern Ontario.

Mr. Makarchuk: It cost them \$4 million to get you elected.

Mr. Cureatz: That commitment did not begin yesterday, I might add. I want to review with you, and members of the House, our progress to date in developing and implementing specific strategies for this important region of the province.

The eastern Ontario Development Corporation is a case in point. Since 1966 it has provided loans of more than \$87 million; in some cases that assistance was critical in convincing firms to move into my region, and in other cases it enabled firms to expand operations significantly.

Agriculture, of course, is one of the vital economic elements in my part of Ontario. There has been much federal, provincial cost-sharing devoted to the development of agriculture in Durham East. Agricultural and regional development agreements have provided \$30 million in assistance to farmers to increase the number of workable acres.

There has also been help under ARDA for the improvement of forest stands and for the development of resource processing industries.

Mr. Haggerty: All federal money.

Mr. Cureatz: Money well spent. Manufacturing has not fared too badly either in the region. In the three-year period from 1971 to 1974 the number of employees involved in manufacturing increased by about 12 per cent, or slightly more than the provincial rate of increase.

Mr. Samis: How many laid off?

[10:15]

Mr. Cureatz: I don't want to minimize the difficulties that have confronted specific industries, but I think they must be placed against the broader perspective of the relative economic strength supported by an increasingly reliable industrial infrastructure.

I don't want to digress too far afield here, but when I speak of infrastructure, I think I should mention a concrete example that perhaps separates my views of Dur-

ham East's future from those of the opposition. I am referring to the Darlington nuclear station, a key component to Ontario's guarantee to its private and industrial citizens that the supply of energy can be relied upon to serve my region's legitimate future developments.

Mr. Samis: How much?

Mr. Cureatz: The opposition would like us to believe that Durham East feels somehow threatened by this development and of an increase in energy capability in the region, and that the project will in some fashion compromise our environmental integrity.

Mr. Speaker: that is simply not true.

Mr. Samis: Is that why you are satisfied with it?

Mr. Cureatz: The opposition parties will remain—

Mr. Haggerty: Out the window.

Mr. Cureatz: —on that side of the House—

Mr. Samis: What percentage of the vote did you get?

Mr. Cureatz: —for as long as they are unable to make those kinds of difficult decisions of leadership. It would have been only too easy for us to have demanded an environmental assessment hearing—

Mr. Samis: Where did the Liberals stand on it?

Ms. Gigantes: Why is your wife getting hysterical?

Mr. Cureatz: —and it would have been politically fashionable. But it also would have been wrong.

Mr. Samis: What percentage of the vote did you get?

Mr. Cureatz: When faced with the time-frame conflict of an environmental assessment hearing and the lead-time restrictions of the project, and when confronted with the realization that the project had been proposed long before the existence of the Environmental Assessment Act—

Ms. Gigantes: All the projects were. Every one.

Mr. Haggerty: The way the provincial economy is going, you won't need any more generating stations.

Mr. Cureatz: —and upon consideration that other nuclear stations—

Hon. Mr. Drea: Just against feds.

Mr. Cureatz: —namely in the riding of Durham West, constructed in Ontario with

much less first-hand experience, had not damaged the environment or have hurt the people, the government made the politically tough decision to allow Darlington to proceed.

Mr. Kerrio: The tough political decision was the election.

Mr. Cureatz: The people from Durham East appreciate that kind of mature performance from their government, and I expect they will continue to receive it.

Ms. Gigantes: Why are you giggling?

Mr. Samis: You'll hear from them next time.

Mr. Cureatz: One of the gratifying aspects of the government's support in my area is that it forms part of a broader economic structure.

Mr. Samis: What percentage of the vote did you get?

Mr. Cureatz: In April 1976 the Treasurer released a planning proposal entitled, "Trends and Opinions." It was a study of population distribution and economic development.

Mr. Peterson: Nice piece of work.

Mr. Cureatz: It dealt with the need to support the decentralized development of some of the sophisticated economic activities that have tended to concentrate in the Metropolitan Toronto area.

Mr. Samis: What have we got since?

Ms. Gigantes: GO trains.

Mr. Cureatz: The study spelled out the desirability of encouraging in urban centres across Ontario, such as Oshawa and in the town of Newcastle, the establishment of computer installations, research facilities, consulting organizations, and advertising and accountancy firms. It also discussed the possibility of further development of social services, major libraries, recreational, medical and cultural facilities.

Mr. Philip: Women's lib.

Mr. Cureatz: The study suggested that such facilities would not only be viable in themselves, but they would also be an incentive to future growth because they would attract new investment and new enterprises.

Mr. Samis: Anyone talk about eastern Ontario?

Mr. Cureatz: That kind of long-range thinking fares much better than the management by crisis that the opposition so often tends to proceed on.

Ms. Gigantes: It's your crisis. It's all yours.

Mr. Samis: Election goodies. In your case, every two years.

Mr. Cureatz: The attitude towards future growth in Ontario is not one of confrontation, but co-operation as shown by the Partnership for Prosperity conference convened by the Premier this spring.

Mr. Peterson: Leave him alone, Evelyn. It's his maiden speech.

Mr. Makarchuk: How can he be a maiden?

Mr. Cureatz: It offered business, labour and government an opportunity to sit down and try to come to grips seriously with our economic problems.

Mr. Kerrio: Where are you going to file this?

Mr. Cureatz: We made a good start at answering some fundamental problems that require co-operative solutions. Part of the solution is to decentralize government offices, and I would remind members briefly that this process is already under way in the city of Oshawa and in other sections of the riding of Durham East.

Other aspects of the solution await more favourable conditions. In future, I will want my government to examine the role which expanded transportation facilities could provide in the riding—I trust the Minister of Transportation and Communications is listening—notably, an extended GO train operation which could be an assisting asset to my area.

Mr. Lawlor: He never listens.

An hon. member: Send him a copy of Hansard.

Hon. Mr. Drea: Let the record show he is.

Mr. Cureatz: The message of Ontario's Treasurer is not simply the call for restraint. It is the demand for clarity in our thinking. Our position on regional economical development is a reflection of just such clarity in government policy. It is a kind of disciplined economic approach that the times require.

Mr. Makarchuk: Back to R. B. Bennett.

Mr. Cureatz: In concluding, I would like to remind the hon. second opposition that if the former member for Durham East had done his homework successfully, he might have been here this evening.

Mr. Samis: What percentage of the vote did you get?

Mr. Cureatz: As was the case, he's not here this evening, but I do wish that former member—

Mr. Makarchuk: You'd better enjoy it. You've not going to be around too long.

Mr. Cureatz: —the best in his new position in the managerial spot with United Parcel Service where, I'm sure, all those wonderful

hon. members will be supporting him most grandiosely in the future.

Mr. Havrot: An NDP member turning capitalist.

Mr. G. I. Miller: It's certainly a pleasure for me to rise to participate in this budget debate. First of all, I'd like to congratulate you, sir, our Speaker of the House and the choice that the government, our party and all parties have supported because I know you are going to do a creditable job. I would also like to say thanks to the past retiring Speaker, the member for Northumberland (Mr. Rowe), for the exceptionally good job he did. His job was not made easy by the members who sit on either side of the House, particularly in the situations that we had been involved in. There may have been the odd time when he supported the government a little more than we would like to see, but I would like to congratulate him for a job well done.

Again, we are in difficult times at this particular stage in the history of Ontario. The economic conditions come clearly home, particularly with Inco and the anticipated layoff of 2,800 workers. The past election, which was really not needed, indicated that the Premier was more concerned for the welfare of his party than he was for the concerns of the people of Ontario.

Mr. Samis: Always is.

Mr. Ruston: Right on.

Mr. Samis: That's why he called the election.

Mr. G. I. Miller: The people did speak out and indicate that they were fairly well satisfied with the minority government.

I would like to point out that these problems are not going to go away. They're not going to be easily resolved. After 34 years of one particularly government, it is perhaps time someone came up with some new ideas. We'd like to feel that the Liberal Party would be capable of doing that and, at least, having input into this minority government as it's working now.

It was interesting to note today, as it came clearly through to me, rather than let the opposition question the government, the government came through with many statements by the ministry which indicated they were purely political. They were statements that could have been given at times other than the question period.

Mr. Haggerty: Right on.

Mr. G. I. Miller: Even the Minister of Transportation and Communications came in to make a statement at a prime time when

I think questioning at this time would have been more beneficial.

Mr. Haggerty: He didn't want to spend \$200 million.

Mr. G. I. Miller: I would just like to return to the election of June 9, I say it was a pleasure for me to be elected as the representative for the riding of Haldimand-Norfolk.

Mr. Peterson: They love you. It's a great riding.

Mr. G. I. Miller: I appreciated the support I received. I appreciated the opposition and the campaign we had in our riding. It was a fairly run campaign. My main opposition was Gordon McNern. I recall quite well when the leader of the Conservative Party—

Mr. Conway: Who's that?

Mr. G. I. Miller: —was in Simcoe, he indicated to the people at that time that the opposition was "Gord who?" and I think he was referring to myself. Anyway, our job is to resolve the problem; it is going to be difficult. I think our critic for the budget on behalf of the Liberal Party, the member for London Centre, indicated that the Treasurer deliberately painted a falsely optimistic picture of the province's financial situation in his April budget for purely political purposes in view of the then anticipated provincial election.

Mr. Conway: Shame.

Mr. G. I. Miller: He denied that he had deliberately overestimated our anticipated revenues. However, in September, less than half-way through the financial year, he admitted that his revenue projections had been overestimated by some \$309 million.

Mr. Peterson: Disgraceful.

Mr. G. I. Miller: I think this is an increase of 34 per cent—

Hon. Mr. Drea: Once we get the corrected figures from Ottawa.

Mr. Conway: Tory hyperbole.

Mr. Peterson: Did you check the retail sales tax estimates? It is—

Mr. Speaker: I am sure the member for London Centre would want his colleague to continue.

Mr. Peterson: I would indeed. I am sorry.

Mr. G. I. Miller: On opening the fall session, the Premier called for a full scale federal-provincial conference on economic recovery, at the same time disclosing the latest bad news on Ontario's economy. I would like to say that we want to be constructive and that we do have to take some tough

measures. Going back again to the election, unemployment is a problem, and we had a program which we felt would be constructive—

Mr. Conway: Great program.

Mr. G. I. Miller: —and we would hope that the government may take a look at it to provide employment. I think we also pointed out that our education system, and it is an expensive one—I think it takes up 25 per cent of the budget—which despite good teachers, and I will say we do have good teachers, but it—

Mr. Conway: Including the member for Cornwall.

Mr. Samis: The students from Renfrew need only look at the behaviour of the member for Renfrew North.

Mr. G. I. Miller: —does not give the students the basic skills they need to compete in the job market, and we have spent millions of dollars training young people for jobs that don't exist. I think that was brought clearly on to me last night when I had the opportunity of going down to the Chamber of Commerce in Simcoe—

Mr. Conway: Great place.

Mr. G. I. Miller: —and they had a speaker there, a Don Crossley, who had come up with tremendous ideas where we should be blending our education system with the apprentice approach. He also pointed out the fact that we have to emphasize that everyone can't be a white collar worker—that the

blue collar worker perhaps is as important as any.

Mr. Conway: Hear, hear. There are some of us left.

Mr. G. I. Miller: I would like to point out an instance where I had a call from a young chap who had gone to Fanshawe college in Port Dover. He took a welding course, he has his ticket, and he has been trying to get a job and he can't come up with one.

As we pointed out to the Minister of Labour last Friday, there is a need for something like 285 pipefitters and welders in my riding of Haldimand-Norfolk in the Texaco oil refinery. They have applied for people for this position and haven't been able to locate them. They have imported 60 from the United States and there is still a need for something like 200 to fill those positions.

I suggested to the Minister of Labour that perhaps a crash program would be a good thing at this time and I still think it would. However, when I got home, I got a call from the union—some of the people who are working on the site and who belong to the pipefitters union—and they indicated to me that they are concerned about overstaffing—too many pipefitters and welders—which would put their jobs in jeopardy.

Mr. Speaker: Would the hon. member find it a convenient place to break his remarks?

On motion by Mr. G. I. Miller, the debate was adjourned.

On motion by Hon. Mr. MacBeth, the House adjourned at 10:30 p.m.

CONTENTS

Thursday, October 27, 1977

Budget debate, continued, Mr. MacDonald, Mr. G. Taylor, Mr. Warner, Mr. Cureatz,	
Mr. G. I. Miller	1241
Motion to adjourn debate, Mr G. I. Miller, agreed to	1267
Motion to adjourn, Mr. MacBeth, agreed to	1267

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
Baetz, R. C. (Ottawa West PC)
Bradley, J. (St. Catharines L)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Cureatz, S. (Durham East PC)
Deans, I. (Wentworth NDP)
Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
Edighoffer, H.; Deputy Speaker (Perth L)
Elgie, R. (York East PC)
Foulds, J. F. (Port Arthur NDP)
Germa, M. C. (Sudbury NDP)
Gigantes, E. (Carleton East NDP)
Haggerty, R. (Erie L)
Havrot, E. (Timiskaming PC)
Kennedy, R. D. (Mississauga South PC)
Kerrio, V. (Niagara Falls L)
Lawlor, P. D. (Lakeshore NDP)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
Martel, E. W. (Sudbury East NDP)
McKessock, R. (Grey L)
Miller, G. I. (Haldimand-Norfolk L)
Newman, B. (Windsor-Walkerville L)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Rotenberg D.; Acting Speaker (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Taylor, G. (Simcoe Centre PC)
Turner J. (Peterborough PC)
Warner, D. (Scarborough-Ellesmere NDP)



Legislature of Ontario Debates

Official Report (Hansard) Daily Edition



First Session, 31st Parliament

Friday, October 28, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

FRIDAY, OCTOBER 28, 1977

The House met at 10 a.m.
Prayers.

CORRECTION OF STATEMENT

Mr. Ruston: Mr. Speaker, I wonder if I could rise on a point of privilege in regard to a question I had last Friday, October 21, on gas company profits. In line nine of my question on page 1016 it should read "12 months" in place of "six months."

Mr. Speaker: That is really not a point of privilege. It is rising for the purpose of clarifying something that was said earlier. It is in order to have done it but it is not a point of privilege. You are correcting the record.

STATEMENTS BY THE MINISTRY

NEWSPAPER REPORTS

Hon. Mr. Kerr: I would like to make a brief statement to the Legislature today regarding the question raised here on Tuesday involving recent relations between my ministry and the Globe and Mail.

I have now reviewed this situation and studied the report referred to by some members opposite. This report was nothing more than an analysis of newspaper stories on my ministry written essentially by one reporter from April to September of this year. Analysis was compiled on the authority of our director of information services as a basis for discussions with the newspaper reporter and his editor.

This action was taken because our people felt some of these stories were only partially complete and were inaccurate in some instances. Civil servants, with their detailed knowledge of the situation, may be more sensitive in this regard than politicians. There was no attempt or intention to muzzle or intimidate anyone. Members of the press gallery know that I have personally always been accessible to them and have gone out of my way to accommodate requests for interviews and information.

There was nothing in the report which could be interpreted as an investigation of the reporter himself. Let me assure hon. members that my ministry only wants to

improve our working relationship with this newspaper and its representative. We will co-operate fully with all representatives of the media with whom we deal, to provide the public with accurate and helpful information.

ORAL QUESTIONS

HYDRO CONTRACTS

Mr. S. Smith: I rise to ask some questions of the Minister of Energy pertaining to some of the material which he was so anxious to table yesterday to demonstrate to the public that he is on top of the Hydro-Lummus problem.

Will he explain why in his statement and at other times he has referred to a contract between Hydro and Lummus for heavy water plant D at the Bruce nuclear site? Is he not aware, if only by reading Chairman Taylor's memorandum of my meeting with them on October 13, that no contract for plant D exists?

Assuming him now to be aware of this somewhat startling situation, has he any comment to make on the fact that Chairman Taylor in his letter to the minister of August 26 last, a copy of which was tabled with the material in the House yesterday, said that a contract for the design, construction and project management of plant D was given to the Lummus company? Can he give the House any explanation of how so many millions have been spent and hundreds of millions committed on this project without a contract being signed?

Hon. J. A. Taylor: I think the Leader of the Opposition got close to the answer when he said "a contract being signed." In other words—

Mr. Wildman: You mean a verbal contract.

Hon. J. A. Taylor: Exactly. You can have a contract without having to have it formalized in terms of the completed documentation. As Mr. Taylor, the chairman of Hydro, explained to the Leader of the Opposition when he sat down with him, the commercial practices in his particular area was such that you didn't complete your

formal documents for some time. That may very well have been because of the engineering and so on that hasn't been completed.

Mr. S. Smith: By way of supplementary, given the fact Chairman Taylor writes to the minister in the material which was tabled yesterday, saying that a contract did in fact exist between the two, and seeing that when I asked for that contract he said I couldn't have it because it didn't exist, can the minister please work this out between himself and Chairman Taylor and table in this House the existing contract, be it in someone's mind or in someone's verbal relationship? If there isn't any such contract, can the minister explain to this House how he commits hundreds of millions of dollars without any contract whatsoever?

Mr. Wildman: Come on, table your mind.

Mrs. Campbell: That's right.

Hon. J. A. Taylor: It's very difficult to inform the Leader of the Opposition in commercial matters when he has no background or experience in that area.

Mr. Nixon: I thought the minister was a sheep farmer from Quinte.

Hon. J. A. Taylor: I think he might have a better appreciation of commercial affairs if he had worked from behind a desk than from a couch.

Mr. Kerrio: That's why he understands the minister.

Mr. Nixon: The minister is devastating this morning.

Hon. J. A. Taylor: It's not a question of a single document at all. If the hon. Leader of the Opposition would like to sit down again with the chairman of Hydro, I'm sure he would be delighted to take him by the hand and lead him step by step through all the procedures and all the commitments in terms of the overall contract in connection with Bruce D.

Mr. Reed: Supplementary: Does the minister not consider it normal business practice to have the agreement delineated on paper, especially when it represents in this case hundreds of millions of dollars? Does he not consider that to be normal business practice?

Mr. S. Smith: He is only a farmer. The minister doesn't have to answer him either.

Hon. J. A. Taylor: Possibly the Energy critic would like to accompany his leader to the chairman's office, and again all the documents and commitments in regard to Bruce D can be reviewed with him as well.

Mr. Lewis: Supplementary: Is the Minister of Energy saying that he is quite happy with and entirely approves of Hydro's conduct in the negotiation of this agreement, tentative and final, and in the way the whole matter has proceeded? Is he simply giving a carte blanche approval to their procedures?

Hon. J. A. Taylor: No.

Mr. Lewis: Aha, I thought not. May I ask a further supplementary? Having finally conceded that point, would the minister like to stand up in this House and tell us, as he surely must deem it his right as Minister of Energy, where he disagrees with the procedures Hydro has followed, how it should have been done differently and what he will do in the future to make sure it doesn't happen again?

Hon. J. A. Taylor: I would like to compare the question that was asked by the leader of the third party—

Mr. Nixon: With a question about beating your wife.

Hon. J. A. Taylor: —to which I answered "no," with the subsequent—

Mr. Nixon: You should have said "maybe."

Mr. Speaker: Would the minister just answer the question, please?

Hon. J. A. Taylor: —with the subsequent question, because I don't think that one necessarily follows the other.

Mr. Lewis: Are you going to take this guff on a Friday morning, Mr. Speaker?

Mr. Speaker: Order, please. I have no control over the way in which ministers answer questions, as long as they are in order.

Mr. Warner: He should just resign.

Hon. J. A. Taylor: The member is a disgrace to this House.

Mr. Speaker: Order.

Mr. Lewis: My questions follow logically from the minister's answer.

Mr. S. Smith: My only fear is that the man should resign before I get my question finished.

I have another supplementary from that pile of wonderful material that was tabled. I show the minister attachment No. 8 from that material entitled, "Some Large Construction Projects," which apparently is intended to show—I know this is hard to believe, Mr. Speaker—that construction costs everywhere are going up. I direct his attention—

Mr. Speaker: Would you try to make a question out of it?

Mr. S. Smith: Yes, I will, but I have to tell him what I am asking about.

I direct his attention to item one on the list, wherein it is stated that the first definitive estimate for the Bruce B heavy water plant was \$416 million and the current estimate is \$506 million. But now I show him a second version of attachment No. 8, also in the material which he tabled, which says the first definitive estimate for the Bruce B heavy water plant was \$567 million, which is \$151 million higher, and the current estimate is \$739 million, which is \$233 million higher. I also point out that one of these—

Mr. Speaker: Could I have a question please?

[10:15]

Mr. S. Smith: Yes, can the minister explain how it is that there is such a discrepancy between the two? Is that in any way related to the fact that on one of these attachments is written, in handwriting, "first two sheets only for ministry," underlining "only."

Hon. J. A. Taylor: I will take that question as notice.

Mr. Kerrio: Cut his coffee off.

Mr. Eakins: Put him on tea. Save his energy budget.

URANIUM PRICES

Mr. S. Smith: A question for the Premier: Can the Premier tell us what steps his government took in 1974 and around that time to protect Ontario consumers from the effect of the international cartel regarding uranium prices, given the fact that that cartel did benefit Ontario industry indirectly, inasmuch as export prices were supported? What steps did he and his government take to make sure that Ontario consumers were not being exposed to the same effects that were in fact being applied outside the borders of this country?

Hon. Mr. Davis: I understand that the Leader of the Opposition's federal leader has indicated that in the view of the government of Canada there was no such cartel.

Mr. S. Smith: Your federal leader says there is.

Hon. Mr. Davis: I was never privy to those discussions, so I quite obviously can't comment or pass any judgement. I know that the Leader of the Opposition has been guided by the Prime Minister of this country on a number of other issues. I would assume he would be guided, as he is so often, in this particular situation.

Mr. Nixon: Our trouble is you are guided by Joe Clark.

Mr. S. Smith: You did nothing to protect us. Face it.

Hon. Mr. Davis: The Leader of the Opposition says this government does nothing to protect anybody at any time. The only thing I would say to him is that it is Friday morning, and I don't want to be provocative—not much—except to say to him very simply that one can debate Lummus and one can debate this contract with whomever it was—I can't even tell the Leader of the Opposition the name of the firm—Gulf something or other—as to the price Hydro may or may not have paid. The only point I would make to the Leader of the Opposition in terms of the responsibility of Ontario Hydro, while he may have all the criticisms in the world and some of them may have validity and some may not, the fact remains they are still the most efficient producer of electricity on this continent.

Mr. Makarchuk: And they are not private enterprise.

Hon. Mr. Davis: That is also correct. I acknowledge to the hon. member—

Mr. Makarchuk: Don't forget that.

Hon. Mr. Davis: —that it is one of the aberrations that has been singularly successful. I'm amazed you people don't leap to the defence of Ontario Hydro on every occasion you can.

Mr. Speaker: Order. Please ignore the interjections.

Mr. Swart: Because you don't want to see it work.

Hon. Mr. Davis: I shouldn't call Hydro an aberration. I don't want that to be on the record here.

An hon. member: Would the Minister of Energy be an aberration?

Mr. S. Smith: By way of supplementary, while the Premier is undoubtedly correct that there are certain benefits to be gained from Ontario Hydro, the question remains—and I hope he will address himself to it—as to what steps his government took to protect Ontario Hydro's consumers from having to pay a much higher price for uranium, through their energy rates, than ought to have been paid by Ontarians. What did he do to protect Ontarians from the international cartel price and does he agree that Ontario Hydro not only had its bid for uranium considered alongside all the other international bids by the cartel, but even ended up paying \$2 above the cartel price? What did he do to protect us?

Mr. Deans: And did he know it was happening?

Hon. Mr. Davis: With great respect, the Leader of the Opposition got into this matter with the Minister of Energy yesterday, if memory serves me correctly, and the Minister of Energy undertook to get certain information for the Leader of the Opposition. I'm sure that information will be forthcoming. I think there was an article in the *Globe* this morning—I didn't have ample opportunity to read it—where Hydro provided some of this information, and I'm sure there will be more.

I would point out to the Leader of the Opposition that we have debated in this House the whole question of a two-price concept. We have, in terms of oil and natural gas, been somewhat in support. I remember the very lengthy dissertation from the energy expert then, the member for London Centre (Mr. Peterson). You people were opposed totally to a two-price system in terms of the production of oil and natural gas in this country.

Mr. S. Smith: It was a mixed blended price we were against, not a two-price. Don't talk nonsense. No one in Canada accepted the blended price, not a soul. You didn't even put it forward the next time. You did nothing.

Hon. Mr. Davis: Oh, come on! You people were opposed to it. You didn't understand it and you're trying to have it a different way on this issue from other positions you take—which is totally consistent with the inconsistencies of the Liberal policy of the Liberal Party of the province of Ontario. You never learn.

Mr. Speaker: Order, please. This is not a debate; it's a question period.

Mr. S. Smith: It certainly isn't an answer period.

Mr. Peterson: You are misleading the House.

Hon. Mr. Davis: I hate to speak in your absence.

Mr. Peterson: I heard it coming in. I couldn't avoid it.

Mr. Lewis: You should protect the member for London Centre. He's so vulnerable, Mr. Speaker.

May I ask the Premier whether or not he knew of the cartel at the time? It may well be that he wasn't any more privy to it than others. In the light of what has emerged, would it not be wise for the government to commission carefully a study of the price impact likely to be felt by the consumers of Ontario from 1980 on, when that uranium is applicable, and indicate quickly what effect for the consumer this kind of cartel arrangement has had and will have and, therefore, perhaps, put an end to that kind of nefarious arrangement?

Hon. Mr. Davis: Mr. Speaker, the leader of the New Democratic Party is assuming that, in fact, there is a cartel.

Mr. Makarchuk: Sinclair Stevens thinks there is.

Hon. Mr. Davis: I know what some people would suggest. I can assure the leader of the New Democratic Party that this government was not involved in any discussions with respect to the price of uranium. The first I heard of this was when I, along with others, read it in the paper. As I say, it appears to me that the government of Canada is suggesting that, in fact, "there is no such cartel."

I think it is relevant for the public of this province, through Ontario Hydro, to understand exactly what the cost of hydro will be, related to what Hydro is paying for whatever energy source.

I don't have this information. I'd be delighted to get it. My own guess is that one can argue whether the price should have been \$2 more or less per pound, that in terms of comparative cost with respect to natural gas, oil and coal that the impact of the cost, because this is not the most significant cost in terms of nuclear energy—the significant cost is in the capital construction of the plant—

Mr. Peterson: You didn't show very good judgement on that issue.

Hon. Mr. Davis: —and that as an energy source one may find that it has a minimal impact in comparative terms. I'm not saying that any impact is not significant, but I'm saying in a comparative sense.

Mr. Lewis: Can we be told?

Hon. Mr. Davis: I would be delighted to see that the Minister of Energy gets this relevant information for the hon. member so that he'll have an opportunity to discuss it and perhaps advise his listeners on CHIC, in case he's asked, because I may even phone him on that station to see whether he has totally understood the information he gets so that he could explain it to me in the process.

Mr. Lewis: Very nice of you. Thank you very much. Would you like the number now?

Hon. Mr. Davis: Oh, I have the number.

Mr. Lewis: You've had my number for some time, it strikes me, or we might have done better in the last round.

INDUSTRY LAYOFFS

Mr. Lewis: May I ask a question of the Premier in relation to this, again, continuing pattern of layoffs in the province of Ontario? Is he aware that Emanuel Products Limited, working in the construction, I think, of tele-

vision cabinets in the borough of York, has now announced a final shutdown for its plant of between 200 and 250 workers, effective on January 31, 1978, a more and more symbolic date in the life of this province?

What is being done in a co-ordinated way by government to attack this question of the roll call of layoffs that we're now faced with?

Hon. Mr. Davis: I'm not going to minimize the problems faced by some industries, and I think it's a very legitimate question for the hon. member to ask. I would also suggest to him, though, that one can highlight the difficulties of these situations and perhaps fail to recognize that there are new industries being created which are employing more people.

I have every confidence in the capacity of the Minister of Industry and Tourism (Mr. Bennett) and his ministry, to the extent that some of these industries can be saved, to deal with them.

I am not personally familiar with the Emanuel firm as it relates to the production of television cabinets. My own guess is that probably it is faced with a situation whereby—and it's only a guess—offshore imports are making it difficult, and the leader of that particular party probably has a greater sensitivity and understanding as to why at this precise moment we are facing very stiff competition from offshore production.

I don't think I need remind the House that one of the reasons we face stiff competition from offshore production is because our production costs are a shade higher in some fields than they should be. I think that is evident to each and every one of us and should be particularly evident to the leader of the New Democratic Party. He knows this as well as anyone in this House.

Mr. Wildman: That's your inefficient cabinet.

Hon. Mr. Davis: I don't know whether that's the reason with respect to this particular firm, but I shall endeavour to find out and get a report for the hon. member.

Mr. Lewis: By way of a supplementary, since we now have Inco highlighting what is happening in the resource sector, Anaconda highlighting what is happening to our automotive trade pact and Emanuel highlighting what is happening to the general manufacturing sector as well, is it not time for the government, almost on an emergency basis, to bring the appropriate ministries together to begin to see how we can absorb the consequence of these layoffs? Because, whether or not he attributes it to higher costs of

worker productivity or inefficient management productivity—

Mr. Speaker: The question has been asked.

Mr. Lewis: —can't the Premier intervene at this point in time and see if there is some way we can cope with it?

Hon. Mr. Davis: I don't want the leader of the New Democratic Party to be personally oversensitive. I have never suggested that the reason we are less competitive in some products—and I emphasize "some"—is because of wages alone. I have never suggested that, and I'm not suggesting it here on this occasion. There are a number of ingredients that go into the competitive position which some of our industries find themselves in. Part of it is a question of wages; I'm not going to minimize that. Part of it is a question of taxation. Part of it is a question of geographic location. Part of it is a question of the size of market.

Mr. Breaugh: And dumb management.

Mr. Warner: He doesn't have any answers.

Hon. Mr. Davis: There are a number of ingredients that go into it—

Mr. Warner: Management expertise.

Hon. Mr. Davis: —and I don't think any two situations are necessarily the same.

Mr. Deans: So what do we do?

Hon. Mr. Davis: I want to point out that there is perhaps a difference between what Anaconda is facing and what Inco is facing. I think Inco is facing something in the resource industry which, as I said yesterday—and I emphasize it—does not relate to the efficiency of Inco, the productivity of its workers or its ability to compete. I think that is distinct from the problems that are being faced by Anaconda.

Mr. Lewis: Not if you're a worker being laid off, there ain't no difference.

Hon. Mr. Davis: I'm quite aware of that particular fact, but in terms of our discussions here I would urge the leader of the New Democratic Party, because he does have this ability, to distinguish between those industries that are having difficulty competing because of production costs for whatever reason—

Mr. Lewis: The consequences are the same for the workers.

Mr. Speaker: Order.

Hon. Mr. Davis: —and those industries, particularly in the resource sector—and there is a difference—that are being inhibited at this moment because of market conditions, because people aren't buying their products. I think there is a very distinct difference.

Mr. Lewis: What will the Premier do?

Mr. Deans: Supplementary. Would the Premier agree that part of the problem which he hasn't identified in the litany of things he says contribute, is that because of the branch plant nature of Ontario's economy, and Canada's economy, and because of the fact that many of the parent companies will not permit the branch plants in Canada, and in Ontario in particular, to compete in world markets and for world markets, that we are grossly inhibited—

Mr. Speaker: I haven't heard a question.

Mr. Deans: You haven't?

Mr. Speaker: I haven't heard a question yet.

Mr. Deans: I said, "Would the Premier not agree . . . ?" Is that not a question?

Mr. Speaker: No.

Mr. Deans: Isn't it?

An hon. member: It used to be.

Mr. Deans: It has been for 10 years.

Mr. Speaker: Try again.

Mr. Wildman: Is it correct?

Mr. Deans: Forget it.

Mr. Lewis: Since Chaucer. Good heavens, wouldst thou not agree?

BURNING PCBs

Mr. Lewis: May I ask the Minister of the Environment, since there is such evident anxiety in Mississauga about the burning of PCBs, and whether it was an experiment or whether it is permanent, can he undertake either to have a public hearing very quickly or to visit himself, with the residents and the council, to clear up what is now reaching levels of public apprehension that are really unsettling?

Hon. Mr. Kerr: I intend to have a public hearing some time next month.

Mr. Lewis: Good. At that public hearing, by way of a supplementary, will the minister be dealing with these certificates of approval and will it be possible to indicate what is experimental and what is permanent in the process he is advocating?

Hon. Mr. Kerr: Yes, I would assume the whole arrangement with the company would be explained.

Mr. Lewis: I have one last supplementary and then I will vacate. Is the minister saying that he is now ready, in effect, to proceed—providing the public hearing gives approval—with this burning of these toxic substances on a permanent basis in Mississauga?

[10:30]

Hon. Mr. Kerr: Yes, there is still a recommendation of our branch. There are one or two things still to be done resulting from a report which resulted from the experiment. The report recommends better monitoring facilities right at the plant site, in the vicinity of the plant, and also that the company improves some of its storage-handling facilities so that there will be no what they call fugitive emissions from the plant. That work will be done before a certificate would be, shall we say, reopened.

Mr. B. Newman: Supplementary: would the minister be willing also to have a public hearing in the Windsor area seeing that the citizens are very much concerned with the effects of the burning of PCBs just a mile and a half or two miles away from them in Detroit?

Hon. Mr. Kerr: The hon. member is talking about a facility in Detroit, an American plant. I understand they are at present holding hearings in that city, which I am sure the residents of Windsor could attend.

Mr. B. Newman: They do attend.

Hon. Mr. Kerr: There is no reason why officials of my ministry can't hold a meeting to explain what is going on in Detroit and also invite the US authorities to that meeting.

Mr. Cooke: Supplementary: I am sure the minister understands that the Ministry of the Environment has considerable influence on that licence application in Detroit. Before the ministry made up its mind to endorse the application, why didn't the minister have the public hearings at that point? Why does he wait until after he has already made up his mind?

Hon. Mr. Kerr: It wasn't a question of endorsing the application; we were working with US authorities in Detroit, both the city and state, and I believe the Environmental Protection Agency there, and indicating that if certain things which had been done at the St. Lawrence Cement plant in Mississauga were done at the Peerless plant, if the same type of experiment had been carried out and if the same requirements and conditions were provided, then as far as its licence is concerned, on that basis we were satisfied with that process.

Mr. Kennedy: Supplementary: Would the minister confirm that up to today, through the summer, nothing has happened at the St. Lawrence Cement plant with respect to PCB burning since April when it was stopped and that the only thing that has occurred are the news articles which have appeared in respect to this matter? In other words, there is no activity or there has not been any activity since—

Mr. Speaker: Question.

Mr. Kennedy:—since April when the burning ceased.

Hon. Mr. Kerr: In answer to the hon. member, I believe on Tuesday or Wednesday I indicated that there has been no PCB burning there since the spring and there is none going on now.

Mr. G. I. Miller: Supplementary: As the minister is aware that they are trying to establish a site in my riding of Haldimand-Norfolk for industrial waste and that the hearing has just been completed, could he indicate to the House and to the public what has been disposed of at Mississauga and what quantity has been disposed of up to this point in time?

Hon. Mr. Kerr: I am a little confused. The hon. member is talking about a hearing in Nanticoke and he wants some information on what has been disposed of in Mississauga?

Mr. G. I. Miller: That occurred to me because I think it's a way of disposing without disturbing another area and particularly bringing this waste into an area that didn't have it. It's a way of disposing of it and I was just wondering what already has been disposed and how effective it has been.

Hon. Mr. Kerr: As to what would be planned for Nanticoke, my information is that the application for a facility at Nanticoke is not the same as for the facility at Mississauga.

I am not aware of any permission to burn PCB material or handle PCB material at the Nanticoke site that was subject to a recent Environmental Assessment Board hearing.

If the hon. member wants to know the quantity of material that has been burned during this experiment at Mississauga, I can get him that information.

Mr. G. I. Miller: Supplementary: I asked what materials have been disposed of at Mississauga.

Hon. Mr. Kerr: Waste oils and some PCB-contaminated material. This is material that is being used to generate heat to make cement.

WINTARIO FUNDS

Mr. Kerrio: Thank you, Mr. Speaker. In the absence of the Minister of Culture and Recreation (Mr. Welch), I will put this question to the Premier. Does the Premier recall the question I raised yesterday with that minister in regard to the \$29 million increase in Culture and Recreation estimates and his answer that most of it would be attributed to Wintario? Does he recall that question?

Hon. Mr. Davis: I have some recollection of the hon. member for Niagara Falls saying something about Wintario. I can't help him any more than that. Does he have a question of me?

Mr. Kerrio: I was just teeing up a supplementary.

Hon. Mr. Davis: I fully appreciate that.

Mr. Kerrio:—and I can now address the supplementary to the Premier. In view of the fact that the minister made the statement that this increase could be attributed in Wintario, and since the cabinet has made it its business to continue to treat Wintario funds as sacred, only to be used in kind of frivolous manner, can the Premier assure this House and the people of this province that as long as the ministry is not willing to spend Wintario funds in a more responsible way, can he guarantee us that we are not going to subsidize Wintario, in the administration of that fiasco, with tax dollars?

Hon. Mr. Davis: I think those are very provocative words. I would only urge that the member chats to some of his colleagues—and there are a few I know of whose communities were able to rebuild and alter arenas—and perhaps he might suggest to them that this application of Wintario money was totally irrelevant and unnecessary.

Interjections.

Mr. Speaker: Do the members want an answer to the question?

Hon. Mr. Davis: I would say, with respect, to suggest that some of these grants and the Wintario funds are frivolous in nature—really, perhaps the member might consult with those who have been the recipients and see if he gets the same point of view. I would start with some of his own colleagues, as a matter of fact.

Mr. Kerrio: Supplementary: The important supplementary has not been answered. I asked if the Premier would guarantee, or promise me, that he will not subsidize the operation of Wintario with tax dollars? That's the important question.

Hon. Mr. Davis: In that the gentleman who has this responsibility is now with us, and I know the member for Niagara Falls would want to have the most accurate, up-to-date information, I think you would agree, Mr. Speaker, that this question might be redirected. I would be delighted to listen to my colleague's answer.

Mr. Kerrio: I redirect to the Minister of Culture and Recreation.

Mr. Speaker: Did the hon. Minister of Culture and Recreation hear that?

Mr. Makarchuk: Mr. Speaker, what's going on? One question at a time.

Mr. Speaker: It is just being redirected.

Mr. Kerrio: Mr. Minister, the questions is are taxpayers' dollars being used to administer Wintario?

Hon. Mr. Welch: Mr. Speaker, no.

Mr. Kerrio: You said it was yesterday.

Mr. Lewis: Why are you equivocating? Why can't you be unqualified?

Hon. Mr. Welch: I indicated—

Mr. Speaker: The question has been answered. I recognize the hon. member for Welland-Thorold.

TEA AND COFFEE PRICING

Mr. Swart: My question is of the Minister of Consumer and Commercial Relations. In view of the fact that the Minister of Correctional Services (Mr. Drea)—who, of course, is the immediate past parliamentary assistant to the former minister of Consumer and Commercial Relations—has now determined, according to this morning's paper, that his ministry is being ripped off by the coffee producers and "his ministry can't afford it any more," will the minister tell the House what information he has had supplied to him? Will he tell us what his government and the AIB have done to protect the consumer since I first raised the coffee pricing rip-off with his ministry more than two months ago?

Hon. Mr. Grossman: I know the hon. member will have been pleased to see the price of coffee start to drop back in the last few weeks and I want to let him know that we have now received responses from, I think, everyone I wrote. There may be one person, one company, perhaps but they have provided full and complete explanations and I hope to get them into the members' hands some time, maybe as early as later today—more realistically some time Monday. I think you'll find they speak for themselves and I'm happy to say that our action apparently has spoken for itself, as well.

Mr. Swart: By way of supplementary, I would ask the minister if he isn't aware that the rip-off price of coffee to the ministry, about which the Minister of Correctional Services complains, is \$2.94 a pound, while consumers have been forced to pay \$4 to \$4.50 a pound? If he is aware of this, in spite of the fact that he has received these responses—which, I suggest will not be reducing the price of coffee to anything like that level—

Mr. Speaker: Question.

Mr. Swart: —wouldn't he now agree that this warrants a full inquiry into coffee pricing, instead of just letters to the companies? And will he appoint a select committee or refer the coffee pricing issue to a standing committee of the House for such an inquiry?

Hon. Mr. Grossman: I'm happy to say the member's colleague, the member for Etobicoke (Mr. Philip), saw the very good sense of first being practical enough to write to see what basic information we could collect before he jumped to the conclusion that we should spend a few hundred thousand dollars—perhaps sending a select committee to Buffalo, Los Angeles and Miami—to find out what the coffee prices are there.

Mr. Makarchuk: Go down to the Don Jail.

Hon. Mr. Grossman: Instead, my ministry has collected the information and will make the information available to the public—it will be early next week—and the explanations there may make the member's comments more timely and more appropriate, or foolish. We'll wait and see.

Mr. Warner: But you are not going to do anything.

Mr. McClellan: Send a letter to Frank Drea.

Mr. Philip: Supplementary: In reference to that basic information that the minister is collecting, is the minister familiar with the statement by AIB spokesman Allan Donnelly who, when questioned by a reporter about releasing information to this minister, stated, "The AIB must respect the confidentiality of the companies' internal operations." And if so, is he prepared to correct his answer to my question on October 18, in which he stated that he had not been refused information by the AIB?

Hon. Mr. Grossman: I've not been refused information by the AIB. They sent me a letter which you'll see Monday and you can comment further at that time.

Mr. Lewis: Supplementary: I'd like to ask the minister, if he agrees with the observation of his colleague, the Minister of Correctional Services, that the prices charged are a rip-off?

Hon. Mr. Grossman: My colleague and others may assume that the price is a rip-off by the sheer size of the charge. In other words, that \$5 or \$6 is a rip-off. That doesn't mean, and I don't think my colleague was saying, that the companies are profiteering or making an enormous amount of money—

Hon. Mr. Drea: Oh yes, I was.

Hon. Mr. Grossman: He said the end price is too much.

Mr. Lewis: Oh no, rip-off doesn't mean that. I want an answer to the question, Mr. Speaker. None of the minister's verbal fencing. Does he agree with the Minister of Correctional Services or doesn't he? Is it a rip-off?

Hon. Mr. Grossman: I think the prices are high. I wouldn't categorize them as a rip-off.

Mr. Lewis: You don't agree, Mr. Speaker, I beg of you, extort from this man, his answer.

Mr. Speaker: Order.

Mr. Lewis: Does he agree with the Minister of Correctional Services?

Mr. Speaker: The hon. member for Haldimand-Norfolk with a new question.

Mr. Lewis: I said your tenure would be memorable.

Mr. Breaugh: And short.

[10:45]

CAS BUDGETS

Mr. G. I. Miller: I have a question of the Minister of Community and Social Services in regard to the budget of the family and children's services formerly of the county of Haldimand and now of the region of Haldimand-Norfolk. The question is why was the budget of \$178,000 cut by approximately \$16,000, a budget that has already been well scrutinized by a board that is running the Children's Aid Society very efficiently, because I was a former member of the board and know the people quite well? How can the minister justify a cut of this magnitude on such a small budget?

Hon. Mr. Norton: I don't have before me the details of that particular budget, but perhaps I could give a very brief and general response to the hon. member. Perhaps if he had continued to remain as a member of the Children's Aid Society, their problem wouldn't have developed. I can assure him that all of the Children's Aid Societies in the province during the latter part of 1976 were advised as to the global limitations on the amount of money that was available for Children's Aid Society budgets in 1977-78. That was approximately an eight per cent increase.

They were subsequently by letter encouraged to bear that in mind in the planning of their budgets. In a few instances, budgets came in requesting substantially more than that, in one case as much as a 60 per cent

increase. The process that we engaged in with the society—

Mr. Speaker: I think the question dealt with a specific society.

Hon. Mr. Norton: In that case, Mr. Speaker, if the hon. member wants a detailed and specific response to a specific budget, I will try to provide him with that information at a later date.

Mr. Warner: You inherited the Minister of Energy's speeches.

Mr. G. I. Miller: Supplementary: I just want the minister to understand that this does cover an area of 15 municipalities and 450 square miles. It has been very efficiently run in the past.

PIPE PRODUCTION

Mr. Deans: I am almost hesitant to ask the question but I'll try: Is the Premier prepared to make representation to the federal government to try to bring about some guarantees that the pipe used in the Alaska pipeline will be made substantially in Canada, in an effort to protect the workers in Ontario who are involved in the production of that pipe and in order to try to bring about expansion of the industry to make the larger pipe that may not be now made in this country?

Hon. Mr. Davis: My understanding is that part of the discussion and part of the negotiations did relate—and this has not been confirmed or finalized—to the bulk of the pipe being made in this country. Fortunately, a good part of that will be in the province of Ontario. I would be quite prepared, or the Minister of Energy would, to make sure, when this arrangement is finalized, that the material used in this pipeline should be made in this province, to the extent that it is possible, and I think a lot of it can be produced here.

Certainly we would support that. My understanding is that this has already been explored and that there is every indication a good portion of it will be fabricated here.

Mr. MacDonald: That ex-Tory Jack Horner is waffling again.

Hon. Mr. Davis: The member may have different information than we do, but we will certainly pursue it because we want to see it made here as well.

Mr. Deans: One supplementary question then: Will the Premier obtain the statement made by the Minister of Industry, Trade and Commerce, Mr. Horner, and find out what he means when he says that there is no guar-

antee that the substantial proportion of the pipe to be used will be manufactured in this country? And will the Premier take some steps, in the interest of Ontario workers who are at the moment facing a very bleak future, to guarantee that not only a substantial amount but wherever possible all of the pipe that can be manufactured here will be—even if it means retooling—so that all the pipe that can be manufactured here will be manufactured here?

Mr. Speaker: The question has been asked.

Hon. Mr. Davis: No doubt at all, Mr. Speaker.

OVERTIME PAYMENTS TO CORRECTIONAL OFFICERS

Mr. Eaton: I have a question of the Minister of Correctional Services. Since he is in the mood for restraint, I wonder if he can indicate if the reports of overtime being paid to guards so that residents of his institutions can watch television are true and, if so, in this time of restraint, if he'll stop that practice?

Hon. Mr. Drea: I presume that the hon. member is talking about the published report that at the Toronto Jail there is a matter of up to \$100 of overtime when hockey games go beyond 10:30 at night. On that presumption I would say to the hon. members, that unlike the coffee situation, which is a rip-off, the situation concerning the correctional—

Mr. Lewis: You know, you are a patsy, Larry Grossman? That's funny, but you are a patsy.

Interjections.

Hon. Mr. Grossman: I have a supplementary.

Mr. Speaker: Order, please.

Hon. Mr. Drea: Unlike that situation, in the correctional officer matter at the Toronto Jail, the payment of overtime amounts at most to \$100 and I am not going to discontinue it. It comes about because there is a standard practice with inmates of the Toronto Jail and I presume others. One of the agreements we have with them is that the normal lockup time is extended on nights when there is a hockey game or other major sporting event.

The difficulty with the hockey games is that we have no control over the time-span. If there are a lot of fights or a lot of goals, they go beyond 10:30 at night. I do not feel that I should break the agreement that the ministry has with the inmates because of rowdiness on the ice or other factors and

send them back to their cells before the game is over. Furthermore, I think that the amount, which wouldn't total more than about \$3,500 or \$3,600 in total over a season, is money extremely well spent.

I believe there is motivational material in watching gentlemen of the description of Mr. Sittler, Mr. Salming, Mr. McDonald and others triumph over adversity while conforming to rules. That is the other Mr. MacDonald.

And furthermore, I would draw to the attention of players that if they want to delay the game by taking a punch at an opponent, the hon. Attorney General will be constantly watching them and I will probably get them, and I will take the \$100 out of their hide in the Toronto Jail.

Mr. Eaton: Supplementary: Since this practice is not being carried on at other institutions, will the minister either review the practice there and change it, or allow the same in other institutions, such as London?

Hon. Mr. Drea: They don't get all the Wednesday and Saturday night games, because they are local.

Mr. Breaght: You did this, Stephen.

Hon. Mr. Drea: It is my understanding that wherever we have an institution where these programs—

Mr. Speaker: Ignore the interjections.

Mr. Lewis: How can you?

Mr. Speaker: And hurry up with the answer, please.

Hon. Mr. Drea: Mr. Speaker, I don't regard this as a very facetious thing. I think it's an honest question.

Mr. MacDonald: Cut off the game once and you will have a riot that would cost you a million.

Hon. Mr. Drea: Wherever there is a sporting event of some magnitude, and every National Hockey League game obviously is that, and so is a boxing match or the World Series or a football game—

Mr. Lewis: What about chariot races?

Mr. Breaght: You haven't seen Colorado play.

Hon. Mr. Drea: —we will follow the practice.

If it requires overtime to be paid to correctional officers—and I wish the parliamentary assistant in Consumer and Commercial Relations would refer to people by their occupation rather than slang—wherever there are correctional officers who must be paid overtime, they will be.

Mr. S. Smith: By way of supplementary: Since the minister has referred repeatedly to this arrangement, to which I have no objection, as part of an agreement with inmates, could he outline for this House—

Hon. Mr. Davis: We can't produce that contract.

Mr. S. Smith: —the nature of this agreement and what other clauses may exist in this agreement so that we can actually peruse it?

Hon. Mr. Drea: Mr. Speaker, in all seriousness there is no contract. There is no formal agreement. But I believe when we change the rule book in an institution, which means an extended time for watching the televising of a sports event, it is very difficult to say to inmates, who are basically there because they have behavioural problems, that we are arbitrarily going to change the rules of the game just because it conveniences us.

I regard those rules under which we operate in an institution as an agreement of principle by the ministry. We will abide by them and we expect the inmates to abide by them; there has to be an equal partnership.

Mr. MacDonald: The best corrections minister since George Wardrope.

Mrs. Campbell: In view of the answers given by the minister, could he advise the House now as to when he is going to table the Ombudsman's report on corrections?

Mr. Speaker: That is not a supplementary.

Mrs. Campbell: Yes it is.

Hon. Mr. Drea: Twenty-four hours after I get it.

JOB CREATION

Mr. Haggerty: I'd like to direct a question to the Premier. Is the Premier aware of the Treasurer's latest report, entitled "Reaffirming Ontario's Budget Strategy for 1977," in which the Treasurer states: "The government's budget plan for 1977 implements a fiscal policy appropriate to the needs of the Ontario economy. I believe that the recovery trend will continue throughout the year and into 1978. I will be monitoring the situation closely and I am prepared to consider supplementary actions to stimulate the economy in selective areas?"

In the light of those comments, is the Premier considering any labour-intensive programs to assist municipalities that have a higher than normal unemployment rate, such as the city of Port Colborne, due to recent layoffs?

Hon. Mr. Davis: We're not contemplating any additional programs at this moment.

Mr. Haggerty: Supplementary: Is the Premier considering something such as a winter works program?

Hon. Mr. Davis: I didn't say that either.

WINTARIO FUNDS

Mr. Grande: My question is to the Minister of Culture and Recreation. Let's get back to Wintario again. Given the fact that a recent article in the Star made certain allegations that some Wintario grants are given to private organizations and possibly profit-making organizations, what on-the-spot follow-up has the ministry done to ensure that the two Wintario principles—namely, public accessibility and the non-profit criterion—are, in fact, taking effect?

Hon. Mr. Welch: I'm very grateful to have this question. The hon. member will know that by a memorandum dated October 26, all members of the House received a fair amount of detail in connection with the Wintario program, particularly as it related to this area. The hon. member, having received that memorandum, will have learned from it that the ministry assumes, and I'm reading from the last page of the memorandum, "that when an organization agrees to the terms of the Wintario program"—which are spelled out on the preceding pages of that memo—"it will honour its obligations."

We rely upon the members of our own audit program—and we have our own audit procedures—our field staff and the general public to bring things to our attention and, indeed, we follow up on them.

The hon. member should know, if he read very carefully that article to which he's made reference, that with one exception—namely, a small grant of \$11,000 to an organization in eastern Ontario—none of the other organizations to which reference was made has received five cents from Wintario, because they have yet to satisfy us that they have met the conditions, the terms of which are set out in the memo.

Mr. Grande: Supplementary: Could the minister tell us, and I'll repeat it, what on-the-spot follow-up is there, not only for those five particular private clubs that were cited in the article, but for other clubs and private organizations that receive Wintario money? How does the ministry guarantee that what they say they do, they will indeed do?

Hon. Mr. Welch: I repeat, it starts at the time of the application in consultation with the field staff, who, in consultation with the municipal council, recreation or other appropriate committees locally, satisfy themselves with respect to the adherence to the

conditions for grants in this part of the program. Then the organizations involved would sign an undertaking that they, in fact, will maintain those conditions.

[11:00]

I mentioned that through audit, through inspection by the field staff, and indeed through members of the general public, we have an opportunity to have the follow-up and the checks to which reference has been made in this question.

Mr. Kerrio: Supplementary: Would the minister care to comment on the questionable access to some of the private clubs that have been granted Wintario funds? Is he satisfied that the public has access in every instance where Wintario money has been granted to private clubs?

Hon. Mr. Welch: The hon. member will understand that I would want to have a particular organization or a particular file as part of the question, but in general terms I am satisfied that no Wintario money by way of a grant is paid to an organization which has not satisfied the conditions which are set out in some detail in my memorandum to members of this House, dated October 26. Indeed, through the field staff and through the municipal councils, I think we have taken every reasonable step with respect to this question of public access.

The spirit of the program is of course to recognize that in many municipalities in Ontario it would be practically impossible to duplicate a number of facilities. Therefore, in using the Wintario capital program, we hope to unlock a number of these facilities to a wider public involvement and participation and thereby make it possible for the community there to have that type of activity without having to go to the expense of providing a duplicate type of service.

One must keep in mind, in so far as the capital program is concerned, that the grant is only one-third of the cost and half in other parts, and there is still of course the sharing principle; so the members of the non-profit organization are in fact making some contribution for the public as well.

To go back to the hon. member's question, I rely on the administrative support that we have, both here and in the field, and in consultation with municipal organizations, municipal councils and committees, to satisfy me that these conditions are being met and an undertaking is signed. If we have any evidence that these are not being honoured, we have legal recourse to reclaim these funds.

Mr. Grande: Supplementary: In view of all the publicity this is receiving—and adverse publicity, as far as I'm concerned and in view of the fact that the minister was very careful in setting out this memorandum so that no such confusion would arise, does he not think that it's just about time that a select committee of this Legislature really takes a look at Wintario from the time that tickets are sold to the time that the—

Hon. Mr. Grossman: Another select committee. We have one a week.

Mr. Kerrio: Make an application to Wintario.

Mr. Speaker: The question has been asked.

Mr. Grande: Mr. Speaker, there's a second part to my question; that is, that this select committee will have the power—

Hon. Mr. Grossman: To go on a trip?

Mr. Eaton: Where do you want to travel to?

Mr. Grande: —to take a look at the Ontario Lottery Corporation Act with a view to proposing amendments to that Act?

Hon. Mr. Welch: I don't feel that we need a select committee to go into this matter. My estimates will be before the members before long and there will be ample opportunity to ask all kinds of questions.

The hon. member fails to share with this House that almost immediately on being advised that he was the new critic, he was invited over to our ministry. Every Wintario file is wide open for anybody to see.

He's been over there and he has spent a great deal of time. Notwithstanding what he refers to as adverse publicity, if in fact one really believes—and I'm talking about myself—that what we are doing is quite open, quite proper and quite helpful, then if there are those who wish through any type of publicity to discredit the program, I can't stop that. But I tell the hon. member, this program stands ready to be examined by anyone, any member of this Legislature, with respect to how it operates, what its aims and objectives are and what the criteria are. Every file is available. The file is made available to any reporter who calls me about any file.

With respect to this matter, I would hope that if there are some questions, some comments and some constructive suggestions, we will have that exchange before the standing committee on social development, when the estimates of this ministry will be there.

TOURISM

Mr. Eakins: I have a question of the Minister of Industry and Tourism. How does he explain the further decline in visitors to the province this year over 1976—which, as we know, has been a disastrous year for tourism in the province—when just last year he optimistically responded to my question on the drop in visitors by stating there was a change of direction in the tourist industry and that he thought we'd see a marked improvement in the tourist traffic in the second and third quarters of this year?

Hon. Mr. Bennett: It's very simple. Ontario and Canada are not alone in the world situation in tourism. While projections a year ago by political forces around the world were being made that we would see an improvement in tourism, economic conditions have not brought that about. Very simply, in view of the amount of disposable income, the attitude of consumers has been to save even to a greater extent than they did before and they are not travelling.

Mr. Eakins: I have a supplementary. My figures indicate that by the end of August this year the total was 16 million compared with 16.2 million for the same period in 1976. What specific measures is the minister taking to change this or to bolster the tourist industry?

Hon. Mr. Bennett: I have said on various occasions—and I'm sure we shall discuss this at great length in the next few hours since we start estimates this morning—that through our advertising program and redirecting of advertising promotion by the provincial government, by co-operation with the federal government of Canada, by co-operation with the government of the province of Quebec and by co-operation with the Canadian airlines and those lines that are associated with Air Canada, we will try to redirect our advertising dollars into more lucrative markets, where we believe disposable incomes are sufficiently high to warrant or justify or afford people the opportunity to travel in Ontario and other parts of Canada.

Mr. Wildman: Considering the fact that the minister said one of the problems or the major problem is the fact that the economy has not recovered and there is insufficient disposable income, does he still subscribe to the statements he made or that were made by his ministry in its review in July 1976, that the economy was inherently strong and will continue to prosper and grow?

Hon. Mr. Bennett: I'm not going to draw back from that position. I think if the mem-

ber would refer to what I said, it was that people with large disposable incomes, as Mr. Chretien said a week ago in the House of Commons of Canada, are not encouraged to spend. They have been encouraged to save. He has said from a Minister of Finance's point of view, and Mr. Horner has said from the point of view of the Minister of Trade for Canada, if Canadians would start to spend and buy some of the consumer products and do a little more travelling rather than continuing to save, then the economy of this province and country might be somewhat better.

Mr. Martel: Don't go to Florida any more. Stay here and travel.

Hon. Mr. Davis: I will remember that.

Mr. Martel: Come to Sudbury.

INTRODUCTION OF BILLS

LIQUOR LICENCE AMENDMENT ACT

Mr. Eaton moved first reading of Bill 87, An Act to amend the Liquor Licence Act, 1975.

Motion agreed to.

Mr. Eaton: The purpose of this bill is to raise the legal drinking age in Ontario, at which time alcoholic beverages are allowed, from 18 to 20. I think it is in recognition of the wishes of the majority of the people of this province and certainly of my constituency, and also, I would say from discussions, a fair majority of people between the ages of 18 and 20.

Mr. Cunningham: You are an idiot.

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF
THE SOLICITOR GENERAL

(continued)

On vote 1602, public safety program; item 3, fire safety services:

Mr. B. Newman: Mr. Chairman, I wanted to raise a few items with the minister.

Mr. Lupusella: Mr. Chairman, on a point of order, I had the floor.

Mr. Chairman: I am sorry. Did you have the floor when we recessed? Last week?

Mr. Lupusella: Yes.

Mr. Chairman: I will recognize the member for Dovercourt.

Mr. Lupusella: Thank you, Mr. Chairman. Pursuing the same argument about the coroner's recommendations—that's the argument I was pursuing last week—I was particularly concerned about the recommendation—

Hon. Mr. MacBeth: What vote are we on?

Mr. Chairman: Order. The Solicitor General has asked what vote we are on. We are on vote 1602, item 3.

Hon. Mr. MacBeth: That is possible, sir. I understood my hon. friend from Dovercourt was dealing with coroners, which is the following vote.

Mr. Lupusella: Okay.

Mr. Chairman: Under those circumstances, I will again recognize the member for Windsor-Walkerville.

Mr. B. Newman: Mr. Chairman, the previous member couldn't have been on when we wound up on the last day because we didn't get as far as he assumed we did.

I wanted to raise with the minister the problem of the frequency of fires back in the Windsor-Essex county area. Apparently, we do seem to have more than normal. Just this past week there happened to be one in which a meat-packing concern suffered approximately \$1 million in loss of product and also to the building. Over the past three years, approximately, some 15 hotels have burned down, if I am not mistaken. The city has asked for a permanent full-time fire marshal in the area.

Would the minister not consider their suggestion in light of the overabundance of fires in the area many of which are, we assume, of an incendiary nature? Could the minister reply? Then I have another question.

Hon. Mr. MacBeth: I have quite a long report here—about a page and a third; it might be helpful if I read it into the record. It deals with the number of fires in the Windsor area and it may give rise to a supplemental question.

"Due to the extensive publicity on the number of hotel fires in the Windsor area, an in-depth investigation was conducted by the Ontario Fire Marshal's investigation services. The OFM intelligence officer, in conjunction with the Windsor police and fire departments, conducted extensive inquiries to determine if fraudulent fires were occurring in the Windsor area.

"During 1976, nine hotel fires occurred in the Windsor area. Five of these fires were investigated by the fire investigation services who determined that two were incendiary, one undetermined and two of accidental origin. This investigation has established that there is no widespread problem of fraudulent and incendiary fires in the Windsor area.

"A number of hotel fires have occurred, however. Part of the fire problem has resulted from the gradual deterioration of the buildings, contents, heating systems, electrical wiring and electrical distribution equipment. The Ontario Fire Marshal's intelligence officer

brought the investigative agencies together. Better communications between the fire and police departments and the LLBO inspectors has been established.

"In 1975, fire investigator D. F. Campbell of our Windsor district office investigated 99 fires in both Kent and Essex counties, including the city of Windsor. On July 1, 1976 a new district office was opened in Mount Forest, at which time Kent county was removed from the jurisdiction of the Windsor office and given to the London district office. This reorganization has reduced fire investigations by our Windsor office from 99 in 1975 to 81 in 1976. The reorganization of the area will allow more time to conduct fire investigations in the city of Windsor area.

"The Ontario Fire Marshal's fire investigation service is training the senior officers and firefighters of the Windsor fire department on how to determine fire cause, fire-crime detection, and continuity of evidence. Training is also provided to the Windsor police department on fire investigation procedures."

Mr. Chairman, that would indicate we are concerned with the number of fires in the Windsor area, which have been sufficiently significant to make us want to send more firefighting staff there—although the report, as I have said, states that only two of the fires were determined as incendiary and one undetermined.

Mr. B. Newman: I wanted to bring this to the attention of the minister and ask for his comments. I am reading from a press story of June 15, 1977: "One Fire Marshal inspector covers Windsor and Essex county. His office is in the basement of his home. He has no clerical help. His telephone is a private number and is not listed in government listings." Is it your intention, Mr. Minister, to overcome that problem?

The article continues: "One of the complaints coming out of the Windsor fire department is that Mr. Campbell has no replacement in the area. Often when he is summoned to a fire, according to one official of the Windsor department, he is out on another fire, or it is his day off or he is on his vacation or he has been called out of town. The Windsor fire official claims that it is sometimes days before the other inspector arrives." Would the minister care to comment on that startling report in the Windsor paper of June 25, 1977?

Hon. Mr. MacBeth: It may be that his number is not in the telephone book; I am not sure of that. But my advice is that it is quite possible. The number is, of course, well known to those who need to know it—that

is the police and the various fire chiefs and fire offices about that area.

As regards the need for more service, I have already dealt with that in what I read to you: that we have rearranged the boundaries down there to provide more time. I will certainly inquire into the business of telephone numbers being listed. It seems to me that it should be listed somewhere in a place where the public can find it. I would gather that people—other than the police and the chiefs—should know about it. I will make inquiries into that.

I won't, however, promise you any more service than that which we have arranged for by the adjustment of the boundaries, because of our budget restrictions. But, in any event, I will certainly investigate the telephone matter.

Mr. B. Newman: The other question I wanted to raise with the minister is that of the use of smoke detectors. Is it the intention of the ministry to ask that legislation be passed making it mandatory for the installation of smoke detectors in homes, public places and so forth?

Hon. Mr. MacBeth: Mr. Chairman, it is my understanding that it is already mandatory in the construction of new homes and buildings to install smoke detectors at that time. Our ministry and, certainly, the Fire Marshal's office support the use of smoke detectors. We have tried to encourage the use in northern Ontario, in the unorganized communities, by way of a grant to help in the distribution of them. I am sorry that that program has not been more successful.

I think under that program we have distributed only about a thousand of these smoke detectors. But throughout the province, generally, there has been a great demand for them. I understand the companies that make them—and some of them are here in Ontario—are hard-pressed to keep up with the demand. I have spoken about them from time to time when I have been addressing various groups—encouraging the use of them—and the Fire Marshal's office is encouraging their use, so I think we will be doing everything short of making them mandatory. There is no plan at the present time to make them mandatory in existing homes or buildings.

Mr. B. Newman: I have one other topic that I would like to raise with the minister and that is the Fire Marshal's report. I've had the occasion where a constituent of mine had his business burn down completely. Because the Fire Marshal's report said it was suspected arson, the individual as a result had the greatest difficulty in obtaining fire insurance.

Nothing had been proven that it was arson, and because of that simple comment in there, the man practically had to get on his hands and knees to get any company to even consider it. If I'm not mistaken, he stayed without fire insurance for some three months.

The difficulty with that is, the bank will not provide any mortgage unless there is fire insurance. Shouldn't there be something done so that if there is a comment that simply says there may have been arson involved, that type of comment should not necessarily be contained in there unless you can actually prove it, because the insurance companies take full advantage of that.

Hon. Mr. MacBeth: I understand that that is one reason our reports are not made public. I don't know how that report was obtained and how the insurance companies got that information. Maybe it's worth following up. If you'll give us some more information, I'll be glad to do so.

But there's a conflict, of course, of wanting to make our reports factual and honest. If we have to cloak them in discreet language in case somebody else reads something into them, then they lose their effectiveness for the purposes we want to use them. The answer is, it shouldn't have been made public and as I say, we'll be glad to follow it up.

Item 3 agreed to.

On item 4, coroners' investigations and inquests:

Mr. Lupusella: I'm particularly interested about coroners' investigations. In my opening statement, I made particular reference to three people who have died since May in police cells.

I see the validity of this particular branch—the forensic sciences centre. It seems they are quite busy investigating cases. In fact during the year 1976 the coroner's office investigated 27,700 sudden deaths. Of this number, they ordered 8,800 medical/legal autopsies, which were carried out by 250 pathologists. I see the function. I see what they are doing. I see also the importance of the recommendations which they are making.

In my opening statement, and I want to clarify the record, I raised the particular point, and I'm quoting from what I said, "I hope the Solicitor General is also aware that since May 1977, three people died in Metro police cells. A coroner's inquest has been held for each case. In each case many good recommendations have been made, but nobody knows whether or not changes are taking place."

In replying to my statement, the Solicitor General, talking about the particular item of those three people dying in police cells, said, "As a result, all of these things in police cells or otherwise make life a little less tolerable for the prisoner. We're trying to take precautions against suicide." He didn't specify what kind of precautions are taking place. "Then," you say, "'why don't you have them under electronic surveillance?' It's not everybody who wants to be under electronic surveillance. They regard that as an infringement on their right to privacy even while they're in jail."

With all due respect to the minister's statement, I didn't suggest that electronic surveillance is forced to take place. In fact, in my statement I was reading from the inquest into—and I don't think it is necessary to mention the name—a person who died on May 3, 1977, in a police cell. The verdict of the coroner's jury was:

"We, the jury, further find from the evidence submitted that Mr." So-and-so "came to his death by apparent suicide by strangulation with his own shirt, twisted in a rope fashion and used around his neck, the ends being tied to the horizontal bar of the doors, 22 inches from the floor of cell No. 1 in Metro Toronto Police Station No. 13."

By getting into the whole issue of recommendations, Mr. Chairman, what I would like to see is the implementation of those recommendations. In the annual report, it seems that the role of the forensic pathology agency, and I am reading from the annual report, 1976, "is to assist in determining the courses of and the mechanisms of deaths in unusual circumstances and to aid the law enforcement agencies throughout the province in their interpretation of certain aspects of sudden death through the application of expertise in forensic pathology. The objectives can be achieved by providing an advisory service to police, coroners and pathologists in the province, developing training programs in forensic pathology and carrying out forensic pathology examinations in difficult or complex cases."

Recommendations have been made. Since May, three people died in police cells. I didn't suggest that electronic surveillance is supposed to take place to eliminate the problems. They made valid recommendations, and just to clarify the record, I hope the Solicitor General is going to give me an answer to what his ministry has been doing to see that those recommendations are implemented in order that we will not see other people dying in the police cells.

I quoted the following recommendations: "(1) That the appropriate authorities continue to develop improvements to the physical arrangement of cells and detention areas aimed at the prevention of attempted suicides—for example, by research into the practicality of using plexiglass panels on the inside of cell bars."

Then there is the recommendation of the electronic surveillance, and I didn't suggest that is the route which must be followed. If the Solicitor General interpreted my comment that people in police cells are supposed to be controlled by electronic surveillance that is his prerogative to think like that, but I didn't make such statement.

I don't want to go through all the recommendations. The principle involved in that particular case is that those recommendations are supposed to be reviewed by the ministry and followed up. Otherwise there is no sense in coroners making all of those investigations. It seems that the number is quite high, especially in 1976; 27,700 deaths investigated by the coroner's office.

[11:30]

If there is all of this work involved, I think that the Solicitor General must have an obligation to follow the recommendations, in order that somehow—and it is not my duty to do that because I think members of the Legislature are not aware of what kind of recommendation the coroners are going to make. I reported those three examples in which I made a particular request to the Solicitor General. Otherwise, I wouldn't even have known that those recommendations were made.

So it is not my responsibility or somebody else's responsibility to recommend the right route in order that certain recommendations are supposed to take place. It's the Solicitor General's duty to establish some kind of group in his ministry to review those recommendations and pursue from that in order that the recommendations will be implemented. And that's the first principle.

The second idea or the second method which I would like to suggest to the Solicitor General is to make a report in order that members of the Legislature and the public will know what kind of recommendations are going to be made by the coroners' investigations. Then at least we can have an opportunity to follow those recommendations to find out which ones are the best and which ones are not suitable for implementation, in order that we at least can have a say.

At the moment from the annual report—and I don't want to repeat the same figures—

what we know is that the coroner's office made 27,700 investigations. That's what we know. We don't know anything about the recommendations which they are making in order that future problems can be eliminated. They are going to disappear when the same events are taking place here in the province of Ontario.

If the Solicitor General doesn't want to pay so much attention to that particular item, then I think the work of the coroner is becoming in some way useless. I think the coroners make good recommendations, and as I said before, the Solicitor General either will report to the House or to the Legislature or to the members what kind of recommendations were made in order that we can follow them up in some way. I am sure not all of those recommendations are falling within the jurisdiction of the Solicitor General, but it is the duty of the Solicitor General to find out whether and in which ministry those recommendations are taking place.

So the Solicitor General at the end of the year might come to the Legislature, as he has been doing, and state that the coroner's office has been very busy. It has been very busy because the numbers of cases in 1976 and 1977 has been very high. With all due respect, they are doing the work, but the particular principle involved on the coroner's office is the recommendations in order that in the future the same events don't take place. The Solicitor General has an obligation to make us aware of those recommendations. I would like to give an opportunity to the Solicitor General to reply to that comment, and find out about the three cases which I just mentioned. What kind of recommendations have been implemented?

Hon. Mr. MacBeth: Mr. Chairman, dealing first with the responsibilities of the coroner arising out of inquests, section 4 of the Act says, "The Lieutenant Governor in Council, may appoint a coroner to be chief coroner for Ontario who shall"—and, under section 4(d)—"bring the findings and recommendations of coroners' juries to the attention of appropriate persons, agencies and ministries of the government."

I think we do that rather effectively. Dr. Cotnam, who is here before me at the present time, has an excellent record across the province for the thoroughness with which he and his coroners investigate the deaths that are brought to their attention and the soundness of the recommendations that are made by the juries involved.

In other words, without some kind of direction, coroners' juries could make some

pretty unreasonable suggestions from time to time. I have been impressed by how practical are most of the ones I have seen and I can tell this committee that 75 per cent of the recommendations made by coroners' juries are carried out. One could ask, "What's the matter with the other 25 per cent?" But, of course, the coroners' juries are just individual citizens. Although they have the guidance of the coroner, they are of course not bound by his instructions and occasionally, without seeing the overall picture, they can make some recommendations that are not necessarily able to be implemented for one reason or other.

I recall that they used to make recommendations often for stop-lights to be put in at a certain corner just because a particular fatality had taken place on that corner. Of course, if you collected enough of those fatalities, I suppose you would find stop-lights at almost every intersection in a municipal area.

While there are some problems and not all coroners' recommendations are too sound, I'm pleased to say, as I have said, that 75 per cent of the coroners' juries' recommendations are carried out.

Neither the coroner nor I, as Solicitor General, has any power to enforce the various bodies to whom recommendations are directed to carry out the suggestions therein. The coroner distributes them to all the people he thinks could be concerned with them at all, whether it's a municipal authority, a private business or, of course, various government agencies. There's no responsibility at law for him to follow up, other than a moral responsibility, but he does do a follow-up to see which recommendations are or are not carried out. I'm quite pleased and I feel that with 75 per cent success, Dr. Cotnam's recommendations are being taken seriously and put into operation.

The member for Dovercourt dealt at some length with some deaths in our correctional institutions. I have detailed reports on each of the three that he has referred to. It might be wise to take the time of the committee and read them. Let me read one of them anyway and then we can decide whether we want anything on the others. This one refers to the death of an inmate by the name of Savoie:

"Because of the potentially lethal and unpredictable effects of a combination of alcohol and drugs, there should be a more thorough search of all prisoners at the station. A more thorough search is particularly important in areas where citizens are known to combine alcohol and other drugs. If a combination of

alcohol and drugs is present or suspected, the prisoner should be given immediate medical attention."

What I have just read was the recommendation of the jury in the Savoie case. The reply we've got back from Metro Toronto police is that, "More care will be taken in the future in searching such persons and in providing immediate medical referral." This always is a difficult problem for the police and other authorities when they pick somebody up. But the member is quite right that care should be taken. It's a case of impressing the need for this care on the individuals who are carrying it out.

I suppose if the police had had a series of drunks in a particular area one night and another is picked up with, maybe a combination of alcohol and drugs, it's not always that easy to detect. That kind of care is a demand on our police; we are constantly warning them to watch for this, and here is another recommendation from a coroner that that should be carried out.

Passing to another inquest—Gray—this is the recommendation: "That the appropriate authorities continue to develop improvements to the physical arrangement of cells and detention areas aimed at the prevention of attempted suicides—for example, by research into the practicality of using plexiglass panels on the inside of cell bars." I believe this is the one that my friend the member for Dovercourt (Mr. Lupusella) referred to.

"Ongoing developments have been taking place in the design of cells." In quotation marks, they're called "fronts." "The cell in which the tragedy occurred had been constructed with a front that contained only one horizontal crossbar. This bar had been located just 22 inches from the floor in an effort to lessen the likelihood of suicide.

"All police cells with conventional type bar or grille fronts depend on the free movement of air through the open cell fronts for proper ventilation. To install plastic panels on the inside of these cell fronts would seriously affect this air movement and would make confinement in the cells intolerable at most times. To change the air handling system in all existing police cell facilities to accommodate solid cell fronts would require an extremely expensive program of major alterations.

"The fronts of all the cells installed at the new 52 Division station at 255 Dundas Street West in Toronto do, in fact, have solid panels of the laminated glass and plastic. Being an entirely new facility, the air system has been designed to permit this type of cell construction. An evaluation is

now taking place on these cells and, when concluded, should establish whether they are the long-sought 'suicide-proof cell'."

"That whenever electronic surveillance equipment is installed, it should have sufficient range to monitor the entire cell, either by placement of the camera or use of wide-angle lens and remote control of camera movements."

The answer: "A wide angle lens has been installed and the camera does now provide full coverage of the cell."

There are others. I think maybe I've read enough of that to show you some of the problems involved. The authorities have long been aware of the problems of suicide in our jail cells; and there is an example, the only bar they had was one that was 18 inches off the ground and yet the facile mind of somebody who was contemplating suicide could do what some of us who are not familiar with these things would think would be impossible, to hang yourself from a bar 18 inches off the ground.

Every time the authorities or the designers come up with what they think is something to make a particular cell suicide-proof those in it in some way find ways to commit suicide just the same.

The suggestion has been solid fronts. They have their disadvantages, as I have said. They would be very costly to install. The average inmate is not contemplating suicide, he is more concerned with his comfort in that cell. I think they appreciate the openness of the cells rather than the closed-in effect and the lack of air circulation that would result if you did close them in in some of our older buildings.

We deal with electronic surveillance. I don't think I was being critical of the member for Dovercourt when I talked about electronic surveillance. I think I was simply trying to point out that although we do have electronic surveillance in some of our jails, and generally speaking it is a good thing; but it too has disagreeable effects, one of them being, as I mentioned the other day, the fact that you have male police keeping surveillance in some cases over female prisoners; and also, as I said, that some people don't want to feel they're being watched all the time, even though they are in prison.

[11:45]

We're looking for ways to keep them under constant surveillance without interfering with their rights of privacy. We're looking for the kind of cell accommodation where suicide will become impossible, and yet we want to consider the comforts of the

prisoner. We are concerned that they should have some comforts in the cells, that those comforts should not be done away with particularly.

To return to the original question, 75 per cent of coroners' recommendations are carried out.

Mr. Lupusella: Mr. Chairman, I appreciate the comments of the Solicitor General. As I stated before, I do not argue about the kind of work which the coroners are performing. It seems that, considering the number of investigations that they are performing in one year, 27,700, I guess that they're doing their work.

About the kind of recommendations: We have statistics released by the Solicitor General that 75 per cent of those recommendations are, in fact, implemented. I don't think I should depend on the words of the Solicitor General to be informed that those recommendations are being made. The principle which I raised previously was that those recommendations are supposed to be known to the members of Parliament and to the public as well.

To go back to the point of electronic surveillance, I didn't even suggest that; I was just reading through the reports the Solicitor General read as well. We have those problems in different areas, we realize that. But one aspect of the problem, and it's comparable to those problems of which we read from time to time in the newspapers, is that certain people are dying in police cells. I think more attention should be given to those people who are not really committing crimes, maybe the police arrest them for drug abuse or alcoholism, and they put them in jail for two or three days and then they release them.

My personal and particular opinion is that, in fact those people do have those psychological problems which are supposed to be considered by the police when they arrest them and put them in police cells. Maybe it's an aspect to which the police are not paying so much attention, so they leave those people in police cells. Maybe if a person is drunk and is taken there for one or two nights, he might have a psychological crisis and he might hang himself in the cell.

That's the social problem which, maybe, the police are not considering when they arrest those people. Maybe they should not be in cells at all. Maybe they should be taken to a hospital instead of being taken to police cells. It's the social aspect which is not considered by the police. I'm sure about that, otherwise those things would not take place.

That is why, in my opening statement, I suggested the police should educate themselves, throughout their training course, in social problems which are taking place in our society. I am not suggesting they are supposed to be psychiatrists and solve the problems; it's just a question of the kind of consideration which should be given when they are dealing with those people.

Hon. Mr. MacBeth: I don't know how I can answer that question. As I said when we were dealing a little earlier with general matters, so many people expect so much from the police.

You say you don't expect the police to be doctors or psychiatrists. I am not so sure that you are not asking them to be doctors and psychologists.

Mr. Lupusella: They should know how.

Hon. Mr. MacBeth: I just say we have a great police force here, or most of them, in this province, but I think when you ask them to look at a prisoner, many of whom are violent and need to be locked up, and you suggest some of these should be examined in some way by the police and that they decide they should go to a hospital rather than behind bars, you are just asking too much of the police.

I think you are asking too much of anybody. I am not going to suggest that the police should have the kind of expertise to determine, in the circumstances that the police have to deal with these people, which one needs mental treatment, which one doesn't need mental treatment, which one is liable to commit suicide and which one is not liable to commit suicide, and which one should be sent off to hospital. You are just asking the police officers of this province, who are reasonable and rational people but in no way experts in the kind of field you want them to be experts in, to do what I regard as the impossible.

Mr. Lupusella: On the last comment which I made, given the fact that those problems are taking place, in particular in Metropolitan Toronto, and if we are going to compare the kind of training which is given to the police officers acting under the jurisdiction of each municipality and the OPP, I think there is a different level of training entirely. I am sure the Solicitor General will realize that.

Also, the Solicitor General made a particular comment that from time to time the municipal police officers are going on a regular basis to Aylmer College to be trained and to get expertise. I am not saying they should be doctors or psychiatrists—far from it—but knowing about psychology or having

a course in it, or in sociology, at Aylmer College is something which would bring the police officer closer to the community and closer to the people. That's the kind of education which I was talking about, because more understanding will come if they are going to get the right expertise.

The community does not see policemen as just officers who are supposed to implement and enforce the law. I think we debated this principle in a quite extensive way when we made the opening statement. This kind of education should take place in order that they will eventually educate the community to have more understanding in order that people won't commit certain crimes in our society.

I see the role of the policeman as an educator in our society and not just as the person who is enforcing the law and is taking people to court. This kind of image is supposed to change in the province of Ontario, Mr. Chairman, and I hope the Solicitor General will find ways and programs in order that those principles are going to be implemented.

Hon. Mr. MacBeth: Mr. Chairman, I do appreciate what the member for Dovercourt is saying. We do have this type of course in Aylmer and the various police training establishments. They are addressed by experts in the field. They do have extensive training in resuscitation methods. They do have extensive training in St. John Ambulance methods. We are doing everything that is practical in that way.

I just feel that the member for Dovercourt is asking for perfection in an imperfect world. There is no reason why we shouldn't strive for perfection, but to suggest that we have this intensive training that he's asking for, and the intensive knowledge that he expects the police and the jail custodians to have; if he thinks we are not going to have any more suicides in our cells, although we are striving to achieve that I just don't think it is going to happen, but we will keep striving for it.

Mr. Lupusella: Mr. Chairman, I would like to say that I am not looking for perfection in police officers, but I think if we are going to engage in those kinds of programs, then the attitude of the police officer in our society will change. I can see some effective changes taking place in relation to attitude.

I think I developed this kind of principle when I made my opening remarks. Citizens are all concerned about the attitude of police officers. I have a particular concern; it bothers me when a police officer shows an evasive attitude when he is dealing with

me or with someone else. I am sure if it bothers me it bothers a lot of other people too. I think policemen should follow intensive programs of retraining in order to somehow change their attitude in our society.

I don't want to prolong this argument, because I think I dealt with those principles before. I hope that in some way I will reach the Solicitor General so that he will undertake programs to produce a future change in attitude.

When the royal commission was called to ascertain whether or not—and I don't want to use the word brutality, let's say force—whether force has been used by the police officers in Metropolitan Toronto, it seems this kind of problem does arise. People are quite dissatisfied with the attitude of the police officer. I want to draw to the Solicitor General's attention the fact that in my constituency office a lot of people call me complaining about the attitude of police officers.

I am sure that the Ministry of the Solicitor General spends a lot of time and a lot of money to educate the public in crime prevention. We have to analyse why these crimes are taking place in our society. I don't think the Solicitor General will achieve his goal of doing something about crime prevention just by making sure that \$10,000, for example, is going to be spent on TV commercials. I have seen those commercials in which the Solicitor General is trying to reach the public on crime prevention; I don't think they are effective. In my own opinion, I don't think the public will be educated by the kind of message being put across by a commercial on TV. I don't think that is the right route. I see this as a role to be developed and performed by the police force as well, instead of spending time and money on trying to reach the public on TV and hoping that in some way the goal will be reached.

Mr. Conway: Now Tony, really. I think the Solicitor General is a wonderful fellow.

Mr. Chairman: Order, please.

Mr. Lupusella: I hope, Mr. Chairman, that the Solicitor General really considers these recommendations. I am sure a lot of people are more inclined to commit more violations just because of the attitude of the police.

I think we have to emphasize this, the attitude of the police. I said it before, and I want to repeat it, the police officer is not the judge on the street. Of course, the attitude goal can easily be reached if they get the right training from the right courses, as well as through the other courses that are going to be implemented.

[12:00]

Hon. Mr. MacBeth: Mr. Chairman, I have asked the chief coroner of the province to make note of those comments in regard to policing. Maybe he can work them into some of his recommendations.

Ms. Bryden: I would like to ask the minister what he is planning to do in regard to the recent statement of the chief coroner, Dr. H. B. Cotnam, that transplant organs are in such dire shortage in Ontario that hospitals are having to buy them from the United States, and that it costs \$5,000 to bring a kidney up from the United States.

Dr. Cotnam said that this is due to lack of public information about the donations of organs under our Human Tissue Gift Act, which comes under the Solicitor General. The current program of putting a consent form on a driver's licence is a beginning, but only a small beginning, because most families don't know what to do in the event of death. And, I understand, there are some problems if the death occurs outside a hospital.

Moreover, there is no machinery for obtaining consents from non-drivers, who could represent a substantial part of the population. Further, there is no government publicity campaign to let people know about the crying need for transplant organs. There are over 300 waiting for kidneys and 400 for heart tissue; and the need for the pituitary gland to prevent dwarfism is a particularly serious one. The Hospital for Sick Children said that it could have used 10,000 in 1976 and got only about 4,200.

The only publicity campaigns that appear to be undertaken are by private, voluntary health bodies, such as the Eye Bank and the Kidney Foundation of Canada, and they're each working in their own field and unco-ordinated.

Dr. Cotnam did report that the Ministry of Transportation and Communications was planning to include in the next drivers licences a note asking people to contact the coroner's office for complete information. As you know, very few people write in for information or for pamphlets. Much more must be done in the way of publicizing the need and the procedures to be followed in the event of death when a consent form has been signed.

I realize that a program of this sort would probably have to be worked out with the Ministry of Health and the Ministry of Transportation and Communications, but I think the primary responsibility rests with the Solicitor General's office which administers the Human Tissue Gift Act.

I would like to ask the minister what his plans are to respond to this need, and stress

the urgency of carrying out the suggestions the chief coroner made for making the need much more widely known, for getting many more consent forms and for improving the machinery to get the organs to where the need is.

Hon. Mr. MacBeth: The member for Beaches-Woodbine has asked an excellent question, and one that I don't think we can give too much publicity to.

Our ministry at the present time is engaged in the preparation of a program for doing just the things she is suggesting we should be doing. I realize the great need for these various organs that are required across the province for medical transplants of one sort or another.

As I understand it, there is no shortage of bodies for use in the universities, but there is a shortage of various types of glands for transplants. The Human Tissue Gift Act used to rest with the Ministry of Health. It was thought, because of Dr. Cotnam's position, that it had best be dealt with by the Solicitor General. So we took it over a year or so ago, and in the interval we have been trying to organize ways of publicizing this.

You may have heard of the first real shot on this that Dr. Cotnam gave us the other day, when he was speaking to the coroners across the province. They were gathered here from all across the province and he spoke to them at that time, seeking their help and co-operation. I had a few words with him myself along the same lines. I understand that it has improved in the last little while, particularly for pituitary glands; there is more response from the public and that situation is improving. As a result of Dr. Cotnam's report in the paper just the other day, I understand that 500 inquiries have come from that one news item. So we are grateful for the help the press gave us on that occasion.

We do have consent forms in both French and English available from Dr. Cotnam's office for non-drivers. Our problem is to try to get this great need across to all the citizens of the province, because I am convinced that if the citizens of this province knew how helpful this could be in saving the lives of others, they would be only too happy to take part and would donate various parts of their bodies after their own demise. So the first shot has been fired in the campaign to give this kind of publicity.

I should deal for a moment with the licences. The licences are presently being revised and, as you correctly stated, there will be instructions to contact Dr. Cotnam. I think most people who are serious about it

will do just that; they will take the time to write for further information. But the licence form itself will be set up with all the information that the average person needs as to how to make a donation and how to fill out the form. We are instructing our police officers and people such as coroners across the province—anybody who might be in attendance at the time of a sudden death—to look for a consent form either on the driver's permit or somewhere else. They will look for that and immediately take the necessary steps to get that body where the organ can be removed and the donation completed.

So any publicity any of us can give to this is certainly in humanitarian interests. It is in the early stages, but we will have more information in printed form to the public very quickly. The forms you asked for are now available and the licences with more detail on them will be issued, I think, within the next month, probably. I am sorry, I am too optimistic; it's January 1.

Ms. Bryden: Thank you, Mr. Minister, I am very glad to hear there is some action in this field. I would still think we must get the consent forms much more widely disseminated. I wonder if you have considered trying to get them put into banks—most people go into a bank sooner or later—and other places where we distribute government documents; or whether they could go out with mailings that go to large numbers of people.

Also, I would like to ask whether there is any staff in the ministry, or in the coroner's office particularly, which is spending full time on publicizing this program, on the development of pamphlets and programs generally to spread the word about the need?

Hon. Mr. MacBeth: As to where these forms will be put, Dr. Cotnam, I think, is a little more reserved in his approach. He thinks they should be in doctors' offices and places like that. But I am sure he is open to any kind of suggestion; and if they don't go into the banks, sooner or later I think they will go into the liquor stores. I wouldn't be opposed to putting them in that type of location, because I think, and I am agreeing 100 per cent with you, what we need is publicity on this matter.

You ask about full-time employees; no, we have no full-time employees doing it. Dr. Cotnam is presently doing it with his existing staff; they are sharing the work. But he was concerned about this the other day; about how it would be taken care of if this publicity brought forth a rash of inquiries. I assured him that despite our restrictions this was one place where we would not have restraints. If he needed new personnel to

handle it, we would certainly see that he got them.

Mr. Germa: Mr. Chairman, I would like to ask a couple of questions about coroners' juries. I recognize that most of these inquiries don't go on for a very long period of time, but every once in a while there is a major inquest that goes on for several months. I'm thinking now about the inquest that was held in the city of Sudbury as a result of the death of 24 people in the Sudbury General Hospital, which I understand was due to a cross-up between the oxygen line and another line. That inquiry went on for several months and it did wreak hardship upon those citizens who were on the coroner's jury.

I wrote to the Solicitor General of that time and brought to his attention the hardship these people faced. I don't know what the daily rate is now but I think it was about \$7 then—this was a couple of years ago. It is a mandatory thing, not only in this instance but even in the courts.

An ordinary person is required to do this job as a citizen practically for nothing—\$7, \$8 or \$10 a day—when everybody else participating in the inquiry is a \$100-a-day guy. The coroner is appointed at \$100 a day. Every solicitor who was at this particular inquest I am talking about was getting \$100 a day, and the jury was going broke. They had to give up months and months of pay.

I wonder what the minister's story is. How can he let it continue? People are willing to serve, every citizen recognizes his obligation—but one should not be put to financial hardship. It's not a big thing, because most of these inquests go through in one day or two days at the most, but I would like to hear the minister's comment on that.

Hon. Mr. MacBeth: I have not much disagreement with what the member for Sudbury is saying when it comes to these long inquests. Certainly some different arrangement should be made. I do not feel that \$6 a day is unreasonable for the person who is asked as a citizen to do it just for, as you say one or two days, as so many of the inquests do require. I admit that I have had no recent discussions as far as finding some solution for the longer inquests is concerned. The restraints, of course, have been one of the things that have delayed us. We would certainly like to see not only the usual \$6 fee increased to at least \$10, but I would like to see some provision for special cases when the inquests go on and on, as that Sudbury one did.

All I can say on this matter is that I will take it under advisement and see if we can't make some further progress despite our financial restraints.

Mr. Germa: Could I ask one more question relative to this situation? It has to do with an inquest that went on in Sudbury as a result of three deaths at a steel mill in October, 1976. The jury recommendations were such that I was of the opinion criminal charges should be considered by the Attorney General (Mr. McMurtry).

Over the past nine months I have been sporadically asking the Attorney General if he has come to a determination whether criminal charges should be laid against the manager and owners of Sudbury Metals Limited. Each and every time the Attorney General tells me, "I am waiting for a transcript of the proceedings."

I am going to ask the Solicitor General why it takes a year to get a transcript into the Attorney General's hands. That's the last story I had from him, just a couple of months ago. Where is the transcript? Are you just putting me on? Are you trying to get it ready? Try to tell me what the delay is all about in a fashion that I will accept.

Hon. Mr. MacBeth: Mr. Chairman, it is up to the Crown attorney who is at all of our inquests to decide whether he wants to prefer charges as a result of the evidence that comes out at that time, or that coupled with other evidence he may have.

[12:15]

The specific question that might fall into our ministry is why it takes so long to supply a transcript. I don't recall the hon. member for Sudbury asking me that specific question at any time.

I just whispered to Dr. Cotnam to ask if he knew this case, but he wasn't particularly aware of it. However, I am informed that a court reporter in Sudbury has the transcript; so the court reporter in Sudbury is responsible for that. Some court reporters are independently employed and some of them work for the Attorney General, so the inquiry can be made through his office.

Mr. Germa: It is true that I have not been directing the questions to you, Mr. Minister, because I think your ministry had done its job. You held the inquest. Therefore, I was asking the Attorney General, who was consistently telling me that he was waiting for a transcript from the coroner's office. Now you deflect it back into the Attorney General's ministry. Who is responsible for making up a transcript after an inquest? Is it the responsibility of the Attorney General's ministry or does it lie with the court reporter?

Hon. Mr. MacBeth: It's the court reporter's responsibility. Anybody can order a

transcript of evidence, and there's a fee involved in it. But as to this particular court reporter, as I say, I don't know whether he or she was an independent reporter or on the payroll of the Attorney General. In any event, we'll follow it up from our end and try to find out who that court reporter is and give you some more information on it. Can we have the name of the case again?

Mr. Germa: It was a blast at the Sudbury Metals plant in Falconbridge on October 14, 1976. The parent company is Allis-Chalmers of Milwaukee. Three men were killed in the blast.

Items 4 and 5 agreed to.

Vote 1602 agreed to.

On vote 1603, supervision of police forces program; item 1, Ontario Police Commission:

Mr. Nixon: Mr. Chairman, since this is the item of \$2.8 million for the Ontario Police Commission, I thought it might be appropriate at this time to say something about the commission, its composition and in particular its chairman. I understand that Mr. Bell is still acting in that capacity but has informed the government that he will be withdrawing from the chairmanship and returning to private practice.

Mr. Bell has had an interesting career on the Police Commission and certainly in the political life of the province. I can remember the first occasion when I met him after I first entered politics myself. I believe it was in the county of Huron; a by-election was on at the time. I was asked to go up to represent the good guys—that is the Liberals—in some kind of a public confrontation. Mr. Bell, as president, was the spokesman of the Ontario Progressive Conservative Party at the meeting.

I can always remember how effective he was when he drew to the attention of the people there that although he was just a poor country lawyer from Mitchell, Seaforth or Exeter—one of those grand old towns—I, on the other hand, was one of these high-powered politicians from Toronto. In fact, I had just been doing the milking and had driven up from Brant county, but he certainly started off one up on me.

We had an interesting discussion at that time, and I've always felt that although he was never a member of this House, his influence was often felt. I believe further that his record of service has been an excellent one, both on the Police Commission and in his other important duties.

I am not aware of his reasons for retirement, but I suppose like many people he feels he's got time left for a return to a

career in his profession of law. Whether or not he returns to Exeter for that, I for one certainly want to wish him well. I don't know what the government is going to do about filling that position, but when I see its procedures recently in positions of similar importance, I know that many of my colleagues hold themselves ready for the call.

Hon. Mr. MacBeth: What about yourself?

Mr. Nixon: No, I'm otherwise occupied in matters, let's say of equal importance.

Hon. Mr. MacBeth: Mr. Chairman, that does indeed call for a few comments on my part. Certainly Elmer Bell will be delighted to receive those words, and I believe they were words of commendation, from the former leader of the Liberal Party. Elmer Bell has made more mileage, I think, out of that phrase "small country lawyer" than just about anybody.

Mr. Nixon: You know where he learned it? Les Frost.

Hon. Mr. MacBeth: That could be, but he was a great student of Les Frost then—

Mr. Macck: You didn't do bad on it either, Bob.

Hon. Mr. MacBeth: —and I think maybe Elmer worked it a little harder and travelled a little further on it than maybe Les Frost did.

Mr. Conway: To say nothing of Joe Greene.

Hon. Mr. MacBeth: The people of this province still love a small country person—

Mr. Nixon: Hear, hear.

Hon. Mr. MacBeth: —whether they're lawyers or doctors, or whatever they are.

Mr. Nixon: Jack, you will agree with that.

Hon. Mr. MacBeth: I certainly say that. I know, coming from an urban area, that if you can tell the people of this province you're a country boy, they'll love you.

Mr. Nixon: People would believe you came from the farm, John.

Hon. Mr. MacBeth: I didn't come very far from the farm, Bob. I guess that's the problem.

We're sorry to lose Elmer. Elmer actually has given his notice and it's past due. He is still acting in the capacity of chairman past his wished or desired date of retirement. We're going to miss him. He's done an excellent job for the Police Commission.

He had the ability to deal with people, as you know, always with the friendly approach. He also had the ability to deal with the officer on the beat as well as the various

police authorities; and in a difficult task, where he had to judge, on many occasions, on disciplinary matters, between the commission and the ordinary policeman, I think he did as good a job as anybody can do in a judicial position.

He will certainly be looking forward to getting a copy of Hansard with your remarks in it. I'm afraid my ministry is going to spend all its postage budget this year in sending out copies of Hansard to people the hon. member for Brant-Oxford-Norfolk has made reference to.

Mr. Nixon: I don't know whether I can let that go by just that way or not, but I did want to say something further about the Police Commission. Does the commission have the responsibility to approve the plans for new facilities that are put up by the police forces and under the jurisdiction of local commissions across the province?

I'm thinking of two specifically, both of them that I've mentioned previously in my remarks; one in the town of Paris, which, with what I thought was a reasonable budget, converted an old house in the downtown area into what has turned out to be a very effective police headquarters for the community. The other one I was thinking of was the one in the region of Hamilton-Wentworth, which I understand is going to have a total cost of something over \$15 million. Is the approval of such a project the responsibility of the commission?

Hon. Mr. MacBeth: Mr. Chairman, I understand that in so far as the various buildings, police buildings, are concerned, the OPC is consulted only in regard to the design of the lockup areas. It has no power to direct, but I guess its advice is generally accepted in regard to the security part of the various buildings.

Mr. Nixon: I'd like to ask further, does the minister or any of his colleagues have the right to be consulted by a regional government when it undertakes these expenditures leading to the building of new facilities for law enforcement? It seems to me, particularly since we have really four offices associated with law enforcement and corrections, that there has to be some uniformity in approach, certainly in the lockup section which the minister has already mentioned, but also some uniformity in the way in which the various forces are organized, if co-operation among them all and with the OPP and with the RCMP is going to have any significance.

I certainly do not put myself in a position where I'm an expert in these areas.

As a matter of fact I've only seen the inside of a lockup as a visiting politician. I was concerned that the region of Hamilton-Wentworth, and I understand other regions, are undertaking these tremendously expensive programs, almost mindless of expense, so that it seems that somebody has decided the very best in the world has got to be brought together for the provision of law enforcement in these communities. I hate to sell any of these communities short in their efforts and their anxiety in providing the very best in police protection, but I have the distinct impression there is a tremendous overlapping of responsibility and an unconscionable waste of money.

Hon. Mr. MacBeth: I understand they are not obliged to consult with us in any way, nor do we have any power of veto over their actions to build police stations or police accommodation of any sort. That is purely within the discretion of the municipality responsible for it, whether it be a local municipality or a regional municipality.

Having said that, the provincial government has made certain unconditional grants to the regional governments to cover startup costs. We also make per capita unconditional grants. The idea originally was that they were for police work. The size of those depend on whether it's a regional municipality or a local municipality. They are unconditional. Some of that money may be used in building the police accommodation, but apart from that we are not involved either in the financing or in the approval.

Mr. Nixon: I have a further question in this connection. Would the police commission of the Hamilton-Wentworth region, established by Act of this Legislature, take the initiative to provide this? Would they have the position where they would approve the payment, or is their responsibility exclusively with the administration of the police force itself?

Hon. Mr. MacBeth: No, it would be done originally, in this case, back before the region was established. I was at the official opening of the new police accommodation there, the police headquarters building. It is an elaborate building. I won't comment on whether I think it's too elaborate or not because I didn't see the entire building. It is a modern building. From appearances it seemed to have all up-to-date facilities.

Listening to the people that day, I understand that the need and the acquisition of some of the land for this building went back long before the regionalization of the Hamilton-Wentworth area, that this was a cul-

mination of many years of planning. I'm not so sure but that it originated with the council of Hamilton, but I'm sure the regional police commission did nothing to stand in its way. It would have to originate with a request of the police commission acting in conjunction with the local council.

Mr. Nixon: On a matter which we've already discussed, at least to some extent, I want to caution the minister that these regional forces, particularly when they are growing in size and in cost so rapidly, can't help but undermine, and to some extent weaken, the centralized overall control of the law enforcement efforts that we're very proud of in this province. I'm not talking specifically about the Ontario Provincial Police, because we've already referred to the feeling in the Legislature, which I believe was supported on all sides, that we must not allow them to be reduced in importance, and certainly not allow the expenditures allocated for their support to be in any way reduced or their quality reduced.

[12:30]

One of the strongest parts of our democratic method of government is that the police forces, with all of their facilities and apparatus, their uniforms and their cars, their strength and their expenditure, of course come under the direct supervision and control of people directly responsible politically. While I don't want particularly to compliment the minister, because I think that his political career might have been directed in an even more effective way, still when I see him in the House and hear him respond to questions and so on, I feel that at least there is a political person there who is very much in the tradition of civilian control and gives a sensitive response, I suppose, to many of the problems, and emerging problems, in our police system.

I hate to think that our procedures through regional government are dispersing this control to an extent, which I hope will never be dangerous, but it at least concerns me that these large regions, as they are established, with independent control at least in this area of their budgetary decisions, can establish forces which are extremely large and independent in their own way, and to a great extent, perhaps more remote from the political control than I would like.

I have always felt that in this province, formerly through the Attorney General, and then after some of the changes, through the Solicitor General, this House did maintain at least a basis of control on the decisions which would provide the facilities and govern the

actions, the training, the goals of the police in the province.

I have felt this for a number of years, but I don't want this occasion to go by again without recording at least some concern in this connection. The minister has indicated there will be amendments to the statute which establishes police commissions, and this has changed over the years. I understand these police commissions are responsible publicly, but even the police commission members themselves are usually, or at least the main spokesman, is usually not a political person. I guess in almost every case now the main spokesperson is either a judge or someone else in the community, and quite often he cannot be criticized directly in the same way that a politician can.

They don't have the proper forum, even, to disseminate another view in opposing criticism that may be directed at them. For example, I suppose the chairman of the commission of Toronto, if he were attacked in the future on some decision that he made, would have access to the media. He no doubt wouldn't hesitate to call a press conference, which he could do very effectively and very properly, but I have often felt that the main control should reside in a person who is directly responsible politically in some kind of a forum like a Legislature or a council, so that people in the community have the kind of redress which is most readily understood in a democratic society.

This, of course, contains no criticism whatsoever of the present commissions. I am sure I have made that clear, that I have had no indication at any time that the individual citizens, myself included, should have anything but confidence in those people who have responsibility under the commission system, but I just want to say that as our community becomes larger and the aggressive tendencies in certain parts of the community become more difficult to contain, and perhaps even to understand, the radicalism in certain parts of the community becomes more difficult to respond to in a non-aggressive way. More and more the politicians, all of us included, are going to have to stand ready, I suppose, to support the police but also to be sure that in the traditions of our community, those elements that some people may call aggressive or radical and seek to somehow contain in an unwarranted way, those people too have a clear access to public policy and participation.

As I say, I wanted to express some concern, particularly as the police forces in the regions get the bit in their mouth, become extremely large, and by government policy

replace the provincial police for the policing of more and more people, and of course larger and larger territories. The police commissions to which they are responsible, and which must be autonomous, become, therefore, more important and more influential, and wield tremendously large budgets; soon to be as large or larger than the Ontario Provincial Police budget I suppose. This fragmentation is not necessarily in the best interests of preserving good policing, or even preserving the best interests of the citizens in our democratic society.

Hon. Mr. MacBeth: The member has been dealing with the very basic problems which our ministry has been wrestling with in connection with amendments to the Police Act. They are basic, and I am not going to suggest to you there are no differences of opinion on this side of the House, as I am sure perhaps there are in his own party, as to the proper constitution of boards of police commissioners, and the matter of regional police and the matter of local police.

All of us, I am sure, would like to return to the days when the policeman on the beat knew everybody, knew who he was dealing with, knew the families involved, and could perhaps pat one person on the head and another on the bottom and send the latter home to mother for a further pat when the child got home, as opposed to picking every child up now and putting them through the formalized system of our family courts.

Regrettably, that day has gone, and I am afraid the kind of policing that went with it has gone too. When we get into the highly sophisticated kind of equipment that regional police have today, and the cost involved with it, I think sophisticated crime can perhaps only be dealt with by the larger units, certainly in an area like Metropolitan Toronto or metropolitan Hamilton.

On the other hand, we would all like to have that close touch. This is the problem of trying to balance the attributes of a large force against the disadvantages of a large force. I agree with much of what the member from Brant-Oxford-Norfolk said in regard to the desirability of keeping them close.

As regards composition of police commissions, I will be introducing a bill—I hope next month—and I am sure the matters that you have raised will be discussed there. Our police commissions across this province have worked, and worked very well, and I am loath to upset something that has proved itself. Very rarely do you hear about any kind of improprieties on the police commissions. You may not agree with the policies

they produce, with the expenditures that they make, you may not even agree with the disciplinary procedures that they establish; but thank goodness the police commissions, and generally speaking the police of this province, have been free of the improprieties that we hear about from time to time—though not completely free, I admit that.

To suggest that we should make them more locally political—and I am not talking against local politicians, I have been a local politician—I know the influences that are on all of us as politicians to do favours for a friend. I am not suggesting it in any improper way, it is just human nature. So-and-so is there, speak to him and see if he can do something to help you. That kind of pressure is there on all of us. I sometimes think when you are dealing with police commissions, it is perhaps wise to have those kinds of pressures dispersed, instead of locating them all in one place.

I know the Treasurer of this province is concerned with making municipalities responsible for their budgets; and in that same way he is concerned with police commissions, which get their money from municipalities—and the jails you were talking about, and the headquarters you were talking about is an example of it—and if the police commissions have this responsibility then perhaps they should be more politically accountable for their financial operations as well.

I think I've said enough about it. It's the key to the problem we're dealing with on the police commission system.

We have our bill, which will be produced shortly. I'm looking forward to the debate at that time. We are trying to keep a balance between local control and this uniform provincial control. When it comes to provincial control, I think most of the questions I receive as Solicitor General are questions arising out of local police force action of one sort or another. Some of them are OPP, but I think the majority of them are probably local police forces.

I think it's wise that the province should have, for the sake of uniformity in law enforcement, some control over all of the forces in the province. The way it's done, and it's not a very direct control, is through the regulations under the Police Act. It is also in one sense done in that we have an appointee on most of these commissions. I know there are pressures to remove that appointee and make them all local people. It's a case of trying to keep a proper balance, both in size and cost of operation, as well as political responsibility for all this. I'm looking forward to the debate when we bring that bill in.

Mr. Lawlor: What role did the Solicitor General have in the appointment of our friend Phil Givens to the Metropolitan Toronto Police Commission?

Mr. Conway: Great fellow.

Hon. Mr. MacBeth: A primary role of recommendation, but that's as far as it went. The final decision was a cabinet decision.

Mr. Conway: Let's make a deal.

Mr. Lawlor: Speaking on it as a personal matter, I find that a—shadowy, I think is the word I would choose—a shadowy decision.

Mr. Conway: That is easy.

Mr. Lawlor: In the kind of job fulfilled by a police commissioner, the sort of level of openness and integrity enjoyed—and it must be enjoyed to bring the full weight of that office into being—is of a very exquisite kind. It's not like an ordinary appointment at all. Along with it is conferred a judgeship and all that the panoply is supposed to bring into being. When it's done in this particular way, under a shadow or a cloud of some kind, tied in with political advantage or disadvantage, accruing either to the government in power; or to the detriment of a political party in this House; all that surrounding circumstance raises, if not a stench at least a suspicion.

Mr. Conway: Are you pushing for the member for Riverdale (Mr. Renwick)?

Mr. Lawlor: I noticed that dear Phil didn't enjoy the fullest amount of appreciation from the police chief and from the top echelon in Metropolitan Toronto.

Mr. Swart: And from the working slob.

Mr. Lawlor: He had taken positions in the past, apparently, which ran somewhat contrary to the grain of the upper echelons.

Mr. Nixon: His statements have always been very supportive of the police.

Mr. Lawlor: Since his appointment as a politician, and being a very politic gentleman indeed—

Mr. Worton: You are smiling now.

Mr. Lawlor: —he has made various statements, for instance on capital punishment, designed—he very well may believe these things, I wouldn't know—in any case they curry favour with the powers that be in the department.

Mr. Nixon: It's incredible that knowing him you would in any way question his sincerity.

Mr. MacDonald: We leave that to some of your colleagues.

Mr. Conway: Did you want to nominate Vern Singer?

Mr. Lawlor: Recently he has taken grave issue with people having the effrontery to lay what he calls frivolous charges against the police in Metropolitan Toronto. Now he doesn't have to do that sort of thing. The police stand on their own feet, are fully competent to defend themselves on this particular thing and have a battery of lawyers, one or two of whom do absolutely nothing else but defend the police in the courtroom. Because disgruntled citizens lay charges, who are we to ferret out which one is legitimate and which one not? Is the commissioner of police competent, sitting in this position, to do so? It's the jobs of the courts.

[12:45]

If the charges are frivolously laid, adequate powers lie in the hands of the provincial judge who normally hears these cases, and adequate powers on the sides of the Crown attorneys to lay charges of public mischief and vexatious conduct, and any number of things.

But I find this whole thing questionable. I think it is our responsibility as paid and elected members of this House when we feel this way about something to say so. It will win me no accolades, but since the opportunity has arisen I don't think you should pursue that course, particularly in this area vis-à-vis politicians coming from this assembly or from any other quarter. It is invidious with respect to your own members.

It may even be more questionable in seeking to traduce—seduce—whatever it is you are doing—with respect to entirely independent members of this other field, who don't want your wretched jobs. If we are to have any integrity over here we mustn't be cajoled, tempted or in any other way prostituted in our basic—whatever shreds of decency we have left, we will have to use as a fig leaf with which to clothe ourselves.

Mr. Conway: Now to Dr. Faustus.

Mr. Lawlor: All right, we will let that go for now. The Ontario Police Commission hear complaints, and you have a special consultant appointed. I am looking at your 1976 report; that is the most recent one I have in front of me. In that particular report year, 80 cases were reported to you, of which I think 55, as I remember, were given hearings, et cetera. Quite a number obviously were jettisoned along the way and not heard, although investigations were apparently made.

I would like you to report a bit as to the operations of that particular complaints bureau

—how it finds itself in line with the Morand report and the Maloney report. How many cases were reported in this last fiscal year? What dispositions are made? Could we have a breakdown?

Mr. Conway: Now, about Phil.

Hon. Mr. MacBeth: I will be pleased to say just a few remarks about that.

Mr. Conway: Was there a deal?

Hon. Mr. MacBeth: No such thing at all. I think you do your previous member a disservice in suggesting that sort of thing.

Mr. Conway: I am not suggesting anything.

Hon. Mr. MacBeth: Phil Givens, if I may say that, had reached the point where he had decided he didn't want to serve in this House any more, and said that he was available. That was the approach to me. Knowing Phil's integrity and his honesty over the years I was pleased to recommend him to the Premier (Mr. Davis) and to the cabinet.

Having said that, it was not all that easy to—

Mr. Lawlor: You also managed thereby to get rid of a dangerous opponent.

Hon. Mr. MacBeth: You can place that interpretation on it if you wish.

Mr. Chairman: Order.

Hon. Mr. MacBeth: Certainly, that was not the approach made to me by the member.

Mr. Lawlor: It didn't occur to you? It didn't cross that innocent mind?

Hon. Mr. MacBeth: He indicated that he was not running, in any event. It is not all that easy to find good people to take these senior posts.

Mr. Swart: Within your own party.

Hon. Mr. MacBeth: First of all, I think to have public confidence you have to have somebody who has established a reputation. If I appointed today as the police commissioner of Metropolitan Toronto, someone whom none of the public knew or had established that reputation, I think that that would not be doing the kind of service to the police commission that you need. You need somebody who is known favourably in the community, and I think Phil Givens was that.

He certainly has an independent mind and I think that is what we want. He happens to be from a minority group in one sense of the word. The criticism of the police commission of Metropolitan Toronto had been that it was too establishment oriented. I am not suggesting that Phil is not a member of the establishment but that he has always been outspoken for minority groups and if he was a member of the establishment he cer-

tainly wasn't in his origins. He made his place there on his own.

He is a publicly known figure and one, to my mind, who had both integrity and independence of mind and would not likely become a military image person, as some of the criticism that was being levelled against the metropolitan police had it. I think he is working well.

As far as his ideas on certain things, he is now an independent person on that commission and under no strings from the government of Ontario. He expresses whatever his opinion is. If he wants to speak out on capital punishment that is his right and I think his duty to do so. If he wants to speak out on what he considers frivolous charges, again I think that is his right and duty to do so.

I think I can be criticized on the matter of charges, that there are some of these frivolous charges, in that perhaps we haven't made greater progress with our citizens complaint bureau, because I would hope when that is established it may be able to weed some of these frivolous complaints out in front of a civilian adjudicator who can then remove that responsibility from the police commission itself and, I would hope, from the courts.

Mr. Lawlor: Are you bringing in legislation on that too?

Hon. Mr. MacBeth: All on the Police Act, yes. Citizens' complaints and the composition matter will be dealt with in the police bill.

The Ontario Police Commission does not in itself run a complaints procedure. Maybe some time ago it should have established such and we might not have had the problems that we have been dealing with. It does, however, get complaints registered with it from time to time and its door is open for that. For the most part, the OPC has a person who hands those complaints on, but it follows them through with the various police departments involved, and I suppose in that sense its replies are somewhat restricted by the results of the investigation that is conducted by the various police forces involved.

Although the commission does have contact through one of its own people who follows them up with all of the various police forces, it does not have the aura of independence that I think is required and that the new bill will provide for it.

Just to follow up the statistics, you wanted the number of cases of complaints handled?

Mr. Lawlor: Yes.

Hon. Mr. MacBeth: His Honour Judge Graham has told me about 180 in the last 18 months. So that would be about 10 a month.

Mr. Lawlor: That's quite an increase. How many have been disposed of?

Hon. Mr. MacBeth: We don't have the exact figure of how many are disposed of. You mean by that, I suppose, how many have been settled or the file closed on? A lot of them, of course, are never completely disposed of to the satisfaction of the complainants, or many of them keep coming back from time to time and use every chance they get to renew the complaint. As for the number of files closed as far as the police commission is concerned, we will get that information for you.

Mr. Conway: Mr. Chairman, I want to begin by supporting wholeheartedly the comments of my colleague from Brant-Oxford-Norfolk (Mr. Nixon) with respect to the retiring chairman of the Ontario Police Commission, and I would like to perhaps pursue for a brief moment some of the comments made by the member for Lakeshore.

Given the rather considerable controversy that surrounded the appointment of the present chairman of the Metropolitan Toronto Police Commission and, indeed, the sensitivity to that very important post now, I wonder what, if any, comment you might have to make about the criteria that your ministry will use or that the government might bring forward in respect to selecting a replacement for the very distinguished and retiring chairman of the Ontario Police Commission. Given the public debate and the sometimes political controversy surrounding such appointments recently, I wonder whether or not the Solicitor General might advise us whether he has special criteria, outside perhaps of some obvious considerations, for the selection of a new chairman of the Ontario Police Commission?

Hon. Mr. MacBeth: Mr. Chairman, first of all, let me say that I don't rule out anybody who has been a politician just because he has been a politician, whether in this House or in some local political arena. Politicians are the ones who have shown a concern for community interests and public affairs; in doing so, they are a likely field from which to choose, whether they are from our side of the House, from my friend's side of the House or from the municipal level. I don't rule any of them out because, as I say, these people very often are known and are proven for something. Just to go out and pick somebody who has no record

or somebody the public doesn't know about, involves some dangers.

Mr. Lawlor: There are lots of good people around.

Hon. Mr. MacBeth: Certainly there are lots of good people. There are lots of good people in the labour movement. There are lots of good people in private industry. But they are not known by the public. One of the things in selling anybody, no matter whether you're selling a political candidate or what it is you are trying to sell, is trying to bring forth somebody with a proven record.

Mr. Lawlor: I think the new chairman should be a movie star.

Hon. Mr. MacBeth: If he had a good record, such as Shirley Temple had, maybe we'd be all right.

Mr. Lawlor: Shirley Temple!

Hon. Mr. MacBeth: In any event, the member asked me what the criteria are. There is no set of job specifications, but certainly integrity, a great deal of common sense and maybe a little bit of intelligence are the ones I would put foremost.

Mr. Conway: In view of the position stated, I believe, by certain people in opposition to the gentleman who was subsequently chosen as Metro's new police commissioner, for example, will there be any kind of formal consultative process with those principals involved before the new chairman is chosen? Or will it be done on the prerogative of the executive council without any formal consultation with the principals involved? I speak particularly, of course, of the police.

Hon. Mr. MacBeth: I'm not sure exactly what the hon. member means. Is he asking whether we would consult with various police governing authorities or the police associations?

Mr. Conway: No. I wonder whether or not there is a procedure by means of which the minister entertains the opinions of at least selected people in all facets of this particular enterprise before he makes an appointment because, as was well known, before the appointment of the new Metro police commissioner there were certain representations made that would lead one to believe that there was strong opposition to that appointment. I just wondered what is the process. Is there an arrangement by means of which the minister does entertain consultation from all parties involved?

Hon. Mr. MacBeth: No, only an informal political one of having your ear to the ground. There certainly is no formal presentation. It's a decision made by the cabinet. The various people may have certain suggestions to make in cabinet, and they certainly come to me from outside. I've had a few people indicate an interest in serving on the Ontario Police Commission, but not necessarily as chairman.

There is no formal process, as I say; it will be discussed in cabinet and with the Premier, and the recommendation will eventually come from the Premier.

On motion by Hon. Mr. MacBeth, the committee of supply reported a certain resolution.

On motion by Hon. Mr. MacBeth, the House adjourned at 1 p.m.

CONTENTS

Friday, October 28, 1977

Correction of statement re gas company profits, Mr. Ruston	1271
Newspaper reports, statement by Mr. Kerr	1271
Hydro contracts, questions of Mr. J. A. Taylor: Mr. S. Smith, Mr. Reed, Mr. Lewis	1271
Uranium prices, questions of Mr. Davis: Mr. S. Smith, Mr. Lewis	1273
Industry layoffs, questions of Mr. Davis: Mr. Lewis, Mr. Deans	1274
Burning PCBs, questions of Mr. Kerr: Mr. Lewis, Mr. B. Newman, Mr. Cooke, Mr. Kennedy, Mr. G. I. Miller	1276
Wintario funds, questions of Mr. Davis: Mr. Kerrio	1277
Tea and coffee pricing, questions of Mr. Grossman: Mr. Swart, Mr. Philip, Mr. Lewis	1278
CAS budgets, question of Mr. Norton: Mr. G. I. Miller	1279
Pipe production, questions of Mr. Davis: Mr. Deans	1279
Overtime payments to correctional officers, questions of Mr. Drea: Mr. Eaton, Mr. S. Smith	1280
Job creation, questions of Mr. Davis: Mr. Haggerty	1281
Wintario funds, question of Mr. Welch: Mr. Grande, Mr. Kerrio	1281
Tourism, questions of Mr. Bennett: Mr. Eakins, Mr. Wildman	1283
Liquor Licence Amendment Act, Mr. Eaton, first reading	1283
Estimates, Ministry of the Solicitor General, continued, Mr. MacBeth	1283
Motion to adjourn, Mr. MacBeth, agreed to	1300

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Breagh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Conway, S. (Renfrew North L)
Cooke, D. (Windsor-Riverside NDP)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Eaton, R. G. (Middlesex PC)
Edighoffer, H.; Chairman (Perth L)
Germa, M. C. (Sudbury NDP)
Grande, A. (Oakwood NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations
(St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Havrot, E. (Timiskaming PC)
Kennedy, R. D. (Mississauga South PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S. (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General
(Humber PC)
MacDonald, D. C. (York South NDP)
Maeck, L. (Parry Sound PC)
Makarchuk, M. (Brantford NDP)
Martel, E. W. (Sudbury East NDP)
McClellan, R. (Bellwoods NDP)
Miller, G. I. (Haldimand-Norfolk L)
Newman, B. (Windsor-Walkerville L)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services
(Kingston and the Islands PC)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Reed, J. (Halton-Burlington L)
Ruston, R. F. (Essex North L)
Smith, S.; Leader of the Opposition (Hamilton West L)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier
Wildman, B. (Algoma NDP)
Worton, H. (Wellington South L)



Legislature of Ontario Debates

Official Report (Hansard) Daily Edition



First Session, 31st Parliament

Monday, October 31, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

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LEGISLATURE OF ONTARIO

MONDAY, OCTOBER 31, 1977

The House met at 2 p.m.

Prayers.

Mr. S. Smith: By your leave, sir, I am rising to request unanimous consent from members of the House to present a resolution worded: "That we resolve that in the light of the deep concern of members of all parties about the actions of the RCMP in raiding the headquarters of a legitimate political party, the Legislature of Ontario express its abhorrence at this fundamental breach of civil liberties and request that the government express this sentiment to the government of Canada."

I realize it is out of order to present this, sir, and that I have not given the required notice, but I would request unanimous consent of members of the House to have this resolution presented and voted upon.

Mr. Speaker: Well, of course, the Speaker is in the hands of the House. As the hon. Leader of the Opposition has said, it is out of order and it can be accepted only by unanimous consent of the House. If we don't have unanimous consent, I'm afraid it is not possible to entertain such a motion.

Some hon. members: No.

STATEMENTS BY THE MINISTRY

QUEBEC LANGUAGE LEGISLATION

Hon. Mr. McMurtry: Mr. Speaker, as members will recall, there have been some questions recently about the legal opinion requested by the Premier (Mr. Davis) in relation to Bill 101 of the National Assembly of Quebec, otherwise known as "The Charter of the French Language."

In view of the questions asked of the Premier and the interest expressed by members in this matter, I wish to provide this House with an opinion of the law officers of the Crown in Ontario as to the provisions of Bill 101 which in our view are ultra vires, or beyond the authority of the National Assembly of Quebec.

"The Charter of the French Language" in Quebec, as members will recall, was first introduced as Bill 1 of the National Assembly of Quebec for 1977. Subsequently, it was withdrawn and reintroduced as Bill 101 with some changes and rearrangements.

It is our view that the charter as enacted by the National Assembly is not in excess of the legal powers of the province as a whole. However, certain of the individual provisions of the charter are, in the opinion of the law officers of the Crown, beyond Quebec's authority. These individual provisions, however, may be severed from the main charter. Their suggested invalidity does not appear to be a ground for holding the bill to be ultra vires as a whole.

The charter is divided into five titles, each containing chapters on different topics.

Mr. Speaker: Order, there are too many undercurrents in the chamber.

Hon. Mr. McMurtry: The invalid provisions are contained in title I, entitled "Status of Quebec for 1977. Subsequently, it was titled "The Office de la Langue Française and Francization."

Title II, as I indicated, deals with the status of the French language, and chapter I under that title provides "French is the official language of Quebec". Chapter II declares certain "Fundamental Language Rights" with respect to the use of the French language. Neither of these chapters has any direct operative legal effect, being only declaratory in substance. They are given legal operation by chapters III to IX of this title.

The provisions of chapter III on "The Language of the Legislature and the Courts" are, in our view, ultra vires to the extent they are inconsistent with section 133 of the British North America Act.

Chapter III provides that "French is the language of the Legislature and the courts in Quebec"; legislative bills shall be drafted, tabled, passed and assented to in French; only the French text is official; and corporations addressing themselves to the courts and statutory tribunals, and procedural documents issued by those bodies, shall be in French. These provisions all appear to be repugnant to the requirements of section 133 of the British North America Act that the records and journals of the Houses and the Legislature of Quebec shall be in English and in French, and that either language may be used by any person in the courts in Quebec.

The provisions of chapter VI on "The Language of Labour Relations" are, in our view, ultra vires to the extent that they

apply to collective agreements and to employment by operators of works or undertakings or persons carrying on business within the exclusive legislative authority of Parliament, for example, interprovincial railways and banks.

The provisions of chapter VII, "The Language of Commerce and Business" are, in our view also *ultra vires* to the extent that they apply to federal works, undertakings or businesses if they are interpreted to require federally incorporated companies to have French names. To the extent that they are interpreted to go beyond regulation of merely local businesses and trade and extend to interprovincial or international trade, they may also be *ultra vires*.

Title II: "The Office de Langue Française and Francization." The provisions of chapter V entitled "Francization of Business Firms" (as now contained in Bill 101) are *ultra vires* in their application to the operators of federal works and undertakings or the carrying on of federally regulated businesses.

In other respects the provisions of the charter, including those relating to "The Language of Instruction," appear, in our view, to be within the powers of the Legislature of Quebec.

I would like to state in closing that the opinion herein expressed appears to accord broadly with the views of the law officers of the federal Crown as summarized in the Prime Minister's statement of the "Position of the federal government with regard to Quebec's Bill 101 'Charter of the French Language,'" made public on October 6, 1977.

ORAL QUESTIONS

QUEBEC LANGUAGE LEGISLATION

Mr. S. Smith: A question for the Attorney General, Mr. Speaker: Can the Attorney General tell us what purpose has been served by having this legal opinion and what the follow-up will now be since there are certain provisions which, he says, in Bill 101 are *ultra vires*? What action did he ever think the provincial government would be able to take in obtaining this particular legal opinion, and what action is the provincial government going to take now that it has this presumably costly legal opinion which he has just read out to us?

Hon. Mr. McMurtry: Mr. Speaker, you will recall that many weeks ago the Premier indicated his intention to seek an opinion from the law officers of the Crown in Ontario, and the opinion that has been given

is from the law officers of the Crown in Ontario. I have some difficulty in understanding why it was necessary for the Leader of the Opposition to suggest it was a costly opinion, although I would indicate that it was an opinion given by some very distinguished public servants in this province.

It would be quite improper of me to attribute any specific motives or to inquire into the mind of the Premier when he, as the leader of the government of this province, indicated to the Legislature that this was the course of action that he had embarked upon. I do recall there was a great deal of concern expressed by members in this Legislature, both within this chamber and outside, with respect to some of the provisions of this bill, particularly as they might apply to citizens of Ontario moving to Quebec.

Obviously, for example, the language of instruction was an area in which there was a great deal of concern.

I'm rather surprised that the Leader of the Opposition would quarrel at this time with the fact that the opinion of the public servants of this province has been delivered to this Legislature, because he himself, through his office, has been inquiring of our office in the past weeks as to just what that opinion was.

[2:15]

Mr. S. Smith: I have a supplementary, Mr. Speaker. I also asked the Attorney General what action the provincial government intends to take. Do I take it that it is the Attorney General's opinion that the law should be challenged in some way in the courts by some level of government, and is that the opinion which he will express, either on his own behalf or express to other levels of government?

Hon. Mr. McMurtry: Mr. Speaker, when Bill 101 was reintroduced in the assembly in Quebec, there was some concern expressed as to whether or not the federal government, with its powers, should refer the matter directly to the Supreme Court of Canada. If the federal government had chosen to pursue that course of action then the provinces would have had the right to intervene and be represented at the Supreme Court of Canada level.

The provinces have no such right to refer the legislation of another province directly to the Supreme Court of Canada, as I know is appreciated by the Leader of the Opposition. So, at the time the opinion was ordered, we did not know what the position of the federal government was going to be as to

whether there would be a direct constitutional reference to the Supreme Court of Canada or whether it was going to allow the matter to be argued in the lower courts of that province, as is often the case with most legislation.

All I can say at this time, the federal government in its wisdom having chosen to adopt this course of action—

Mr. S. Smith: Are you advising them?

Hon. Mr. McMurtry: —I don't think there's any particular useful advice that I, as Attorney General of this province, at least, intend to offer the Prime Minister of Canada at this point in time in relation to his decision with respect to not challenging the legislation directly in the Supreme Court of Canada by constitutional reference.

Mr. Lewis: Supplementary: Since the insight and intelligence of our senior public servants lose some of their natural genius in the simple banal expression in this document of whether or not something is *ultra vires*, could the Attorney General perhaps table the background materials and cases on which these particular findings were based and the interpretation which accompanies them, I assume?

Hon. Mr. McMurtry: No, Mr. Speaker, I can't undertake to do that simply because it's been the practice for many years in this province not to table opinions that are given by law officers of the Crown to the government. I think it's a practice that should be followed because I think it's important that they feel in no way—well, I think they should be encouraged to give the best possible opinion, in the first instance, in a way which is confidential in order to encourage a free flow of opinion. In certain areas, not so much in this particular area, but obviously many of these areas are of a highly controversial nature. I think it's a practice that should be followed.

Mr. Lewis: It is a statement of such depth and rare insight, I thought there must be some substance.

Mr. S. Smith: Supplementary: Since the Attorney General now says that he has this legal opinion and sees no point to him as Attorney General urging the federal government to take any particular course of action, is he aware that the Premier, when he announced this seeking of legal opinion, said: "It would be our expectation that the federal government would be prepared to initiate such a challenge should they have an opinion which deems its provisions to be unconstitutional"? Now that there is such an

opinion, which his officers have prepared, is he prepared to urge the federal government to challenge this legislation since some of these provisions seem to be deemed to be unconstitutional?

Hon. Mr. McMurtry: Again, I am not privy to any conversations that may well have taken place between the Prime Minister of Canada and the Premier of Ontario preceding the announcement of the federal government's intention, and I think any such question should be directed to the Premier.

Mr. Speaker: The hon. member for—Lakeshore with a supplementary.

Mr. Lawlor: Lakeshore. We have met before, Mr. Speaker.

Hon. Mr. Rhodes: He is trying to forget.

Mr. Lewis: A former colleague of yours, Mr. Speaker.

Mr. Lawlor: Does the Attorney General intend to take intervenor proceedings in the one or more actions which are being pursued in the lower courts at the present time; that is the courts below the Supreme Court of Canada, which are considered lower—

Mr. Lewis: By the *puisne* judges.

Mr. Lawlor: Yes, the *puisne* judges—in the province of Quebec or elsewhere? The Attorney General can intervene. Would he do so?

Hon. Mr. McMurtry: No, we cannot intervene in the lower courts.

ACTIVITIES OF RCMP

Mr. S. Smith: I have a new question—again, though, to the Attorney General: In view of the actions which came to light on Friday and on the weekend, the RCMP having raided the headquarters of a legitimate political party, and in view of the abhorrence which I am sure all members of the House feel regarding that and the threat to civil liberties that is represented therein, will the Attorney General give the House some chance to express itself or will he express on behalf of all of us to the federal government the severe way in which we in this House regard this very unfortunate and, to my way of belief, very dangerous breach of fundamental civil liberties?

Will he convey this message in one way or another, or give us a chance to convey it, to the federal government and to all involved, and can he tell us whether or not he intends to release the report of a special Ontario Police Commission investigation of the Praxis break in?

Hon. Mr. McMurtry: Dealing first with the second part or really what was a separate question by the Leader of the Opposition, I wish to assure the House that when we have a final report, I will certainly be releasing the relevant contents of the report to the House; the findings that have been made by the Ontario Police Commission.

In relation to the concern expressed by the Leader of the Opposition in relation to the news reports of the reported break-in by the RCMP into the Parti Québécois headquarters in the province of Quebec, all I can say is that of course I share the concern of the Leader of the Opposition, but certainly I don't think I am in a position to either assist or hinder the other members of the House from expressing a similar view.

Mr. S. Smith: By way of supplementary, since the Attorney General mentions that he will let us have the complete or final report regarding the Praxis break-in at some point, and since he now has some preliminary report, can he assure this House that there were not illegalities committed by the RCMP or Metro police in that Praxis break-in, based on the preliminary report that he already has?

Hon. Mr. McMurtry: First of all, I want to make it quite clear that I don't intend to table the complete report as a police report because, for example, the preliminary report contains many statements based on hearsay and unfounded allegations. As a matter of fact—well, I don't think I wish to pursue that but, yes, I certainly will advise the members of the House as to the conclusions of the report.

I can state quite emphatically that, on the basis of the interim report I have received, there is no evidence whatsoever of the involvement of any police force—RCMP, Metro Toronto Police department or any other police department—in this break-in.

Mr. Samis: Supplementary: Since the minister's statements regarding Bill 101 have a very obvious political consequence in Quebec that we will all see tomorrow, doesn't he think it would be advisable in the interests of national unity that he would make an equally strong statement on this violation of human rights in Quebec to show his concern for the Quebec people?

Hon. Mr. McMurtry: I am not sure that I followed the question in its entirety. I assume the question was directed towards the reported RCMP break-in. I thought I made myself quite clear. The Leader of the Opposition expressed his concern in a very definite fashion, and I thought I made it quite clear that I share his concern.

Mr. Samis: Is the minister going to issue a separate statement of his own?

Hon. Mr. McMurtry: I am sorry, I didn't catch that.

Mr. Lewis: May I ask a supplementary? I want to come to this more particularly with the Solicitor General in a moment. But perhaps I can ask the Attorney General, does he not think that it might be appropriate for the senior provincial law officer of the Crown in this province and, therefore, of any of the other provinces in a sense, to request of the federal government, an actual inquiry into what occurred? Has it occurred to him to request of the federal government some indication of the RCMP's activities in this province? Does he feel himself sufficiently apprised of what they are about in the province of Ontario?

Hon. Mr. McMurtry: Yes, I do. I think the leader of the New Democratic Party is quite correct when he suggests that some of these questions should be directed to the Solicitor General. I can say that I have been party to ongoing discussions between other provincial Attorneys General and the federal Solicitor General and the federal Minister of Justice. I must state that insofar as RCMP operations are concerned in this province I have found they have been most co-operative in advising us at any given time what the nature of their operations is. The relationship in this province, quite frankly, has been somewhat better than the relationship that has existed in other provinces. I think this has something to do with the commanding officer in this province. Hopefully, the relationship, which has been a very good one during the two years that I have served in my present capacity, will continue. But it is one that must continue to be of concern to all of us.

RCMP TORONTO STAFF

Mr. Lewis: A question of the Solicitor General: Rumour has it from usually reliable sources that there has been a significant jump in the RCMP staff complement in the Metropolitan Toronto area over the last four or five years. By significant, I mean double or treble what it was in 1972. Has that been brought to the attention of the Solicitor General? Is that valid, and if so, what are they doing?

Hon. Mr. MacBeth: Yes, I think that is correct. I don't have the exact figures on the various strengths of the RCMP, but it is noted by us with some—I guess reserve is the best word—

Mr. Lewis: Some what?

Hon. Mr. MacBeth: —reserve by the Ontario Provincial Police that perhaps the RCMP is expanding when we are trying to hold the OPP at its present strength for the various reasons we all know about here.

Mr. MacDonald: Are they filling the gap?

Mr. Warner: They may visit your office.

Hon. Mr. MacBeth: Let me continue. As the Attorney General has said, we have close co-operation with the RCMP. By way of goodwill, I have toured their establishment down there. They invited me and they explained some of their operations to me. It went further than just a social visit. I am not suggesting that I know all that they are doing in the area of the security of Canada. That is still their prime concern and they are carrying on in that responsibility, but again, I believe, with close co-operation with our Metropolitan Toronto police as well as our OPP. We have engaged in a great many joint force operations in the way of organized crime, as I have reported to this House.

I have had no incidents brought to my attention where either the Metro police or the OPP have been concerned with the manner of their operations in any way. As I say, I do know that they have increased their force considerably and that they are getting perhaps into other fields, such as organized crime, with our encouragement and co-operation. But as to what all the additional strength they have today that they didn't have three or four years ago is being used for, I don't have that breakdown.

[2:30]

Mr. Lewis: Supplementary: Could the minister check out and advise the House whether it is true that they've jumped in complement from some 200 or 250 in 1972 to between 600 and 800 in 1977—actual officers involved? And could he perhaps find out what the extent of responsibility and activity is?

Perhaps some of us, in the light of recent events, would feel a little better if the indigenous police forces, the Metro police force and the OPP, seemed to have the upper hand. That goes right back to the days when Arthur Wishart was reassuring us during the War Measures Act. It would be useful if the minister could report to the House.

Hon. Mr. MacBeth: I'll be glad to attempt to get that information. I don't believe it will be regarded by them as confidential, but subject to that, I'll do my best anyway to get the information.

Mr. Lewis: If they regard you as left of centre, anything will be confidential.

Mr. Breithaupt: Supplementary: When the Solicitor General is obtaining that information, will he also attempt to obtain for us, the changes in the force which have resulted from differing responsibilities in matters of immigration and drug control?

Hon. Mr. MacBeth: That will be included.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: Could I ask in the broadest sense for the Premier to comment on the discussions he has had with a delegation from Sudbury over the Inco matter and any further substance he would wish to bring to the attention of the House?

Hon. Mr. Davis: Yes, Mr. Speaker. I guess one might refer to it as the Sudbury committee—it was in to see me this morning. It is made up of the chairman of the region, the mayor of Sudbury, representatives of the unions of the labour congress, and the Chamber of Commerce.

Mr. Nixon: Not Elmer Sopha?

Hon. Mr. Davis: No, I don't believe that the former member for Sudbury was there. And knowing him as well as I do, if he had been I could not have forgotten his presence. Mr. Sopha was not there.

They put before us, I thought, a very constructive and creative series of suggestions. They didn't relate to the specifics of Inco in terms of the layoff. The meeting really was based on what they felt they could do with government help, et cetera, in terms of assuring the longer term future of the community. I think they had eight or nine different questions they wished to raise with us. Two or three of them, I thought, were quite positive in terms of having practical application fairly shortly.

I told the chairman of the region and the other members of the delegation that the government would review these immediately to see what we could do to react to them. There was one suggestion, as I recall it, that related to the establishment of some form of ongoing committee or task force, where they asked for some provincial involvement and federal government involvement. This would relate to the longer term economic prospects of the Sudbury basin.

I thought that this was helpful. They wished to chair this particular task force if it were established. There was also some discussion, but we didn't bring it to any sort of conclusion as to the possibility of transporting workers from Inco to the potential jobs in Elliot Lake. I think the union representatives there didn't wish to pursue that at

this moment until some of their discussions with Inco on other matters were resolved. So it was put on the table, but I think it was agreed that for the next few days it wouldn't be moved into any area of finality at all.

There was a suggestion as well with respect to one or two other parts of provincial government involvement. The question of location of government offices and so on. I'm sure the leader of the New Democratic Party is familiar with a number of these suggestions and I have undertaken with the chairman of the region to get back to him and his committee just as soon as possible. I found it a very positive and constructive sort of meeting in light of all of the circumstances, and we will be pursuing it with them just as soon as we can.

Mr. Lewis: By way of supplementary, does the Premier know, or did he realize, that as recently as yesterday, the senior vice-president of Inco, Dr. Walter Curlook, mirrored not at all the confidence and assurance that the Premier put to the House on Friday after his discussion with the chairman of the board, about the future of Inco in Sudbury, and would make no commitments at all about the maintenance of the work force and what might happen in 1978? Has the Premier's office progressed any further with that?

Hon. Mr. Davis: In pursuing that, I have a statement made by the same doctor in an exclusive interview with the *Toronto Star* which appeared on Saturday. He made a statement on Saturday afternoon in which he dealt with this matter and I think the point made in the interview, or at least what was reported, was the question of the layoffs here and the question of possible layoffs in Guatemala and Indonesia.

The same Dr. Walter Curlook indicated that the decision with respect to Inco's operation here did not relate to the situation in either Guatemala or Indonesia. I think he has suggested that—as with some of us on occasion—the full import of what he was saying did not, perhaps, reflect itself with total accuracy in the interview that I read in, I think, Saturday's *Toronto Star*.

Mr. Kerrio: Supplementary: In regard to the grave situation that exists, was there any indication by a senior Inco official that the jobs were protected in Guatemala and Indonesia for fear of nationalization of the mines there, and that no such fear exists here?

Hon. Mr. Davis: I rather think this was in the article by the same gentleman, although I may be wrong. And as I say, I have a copy because I was concerned about the

statement that Dr. Curlook gave to CFTO and the *Toronto Star* on Saturday afternoon. In that statement he makes it very clear that the two were not related.

Mr. Lewis: Does the Premier have a timetable for getting back to the region of Sudbury on the various particulars they raised with him? Is there a date at which he will inform them of procedures?

Hon. Mr. Davis: We didn't say yes, by this Wednesday or Thursday, but I told them that we would pursue it as rapidly as possible, although I know that in the context of some issues some members will say that could mean weeks or months. I would assure members of the House in the context of this particular issue that when I say as rapidly as possible, that would be the precise interpretation that should be given to that phrase.

Mr. Breithaupt: Supplementary: Since the Premier has said that the items were not apparently related, would the Premier, in reviewing an article in *Forbes* magazine, dated October 1, 1977, inquire of Mr. Chuck Baird, apparently the president—who was quoted to have said, "If Inco is forced to cut future production, Carter, the Inco chairman, will probably choose to do so in Canada, which on the surface seems illogical because Canadian nickel is cheaper to mine. The problem is that less pure nickel from laterite mines has more customer appeal; besides, governments like Indonesia do not look kindly on cutbacks in their countries."

Hon. Mr. Davis: I would be delighted to check this out. There have been a number of statements made to a number of various publications. While I am prepared to check out this particular statement—it has been raised here before by one of the members from Sudbury, as a matter of fact—I think that, hopefully, by Thursday when the leaders meet we will, as I have indicated, have some terms of reference for the standing resources development committee.

Mr. Lewis: Seriously—the House leader?

Hon. Mr. Davis: The House leaders.

Mr. Lewis: Oh, good.

Hon. Mr. Davis: Matters of this kind are very relevant issues for the resources development committee to raise, and I would hope the terms of reference would allow that sort of question.

However, I would be delighted to check out Mr. Baird's statement for the hon. member for Kitchener. As I say, I have been dealing primarily with Mr. Carter and two other senior people from Inco and there may

be some contradictions on occasion; I don't know; but I will do my best to clarify them for the understanding of members of the House.

Mr. Breithaupt: I should correct my question to the effect that while the view of the writer of the article who was interviewing these gentlemen was as said by me, it may not have been the exact comment of Mr. Baird.

Mr. Speaker: Before we get to new questions, I'm going to recognize the hon. Chairman of Management Board with an answer to a question asked previously.

INCREASE IN EDUCATION ESTIMATES

Hon. Mr. Auld: I believe on Thursday afternoon the hon. member for London North (Mr. Van Horne inquired of the House leader (Mr. Welch) if there was an explanation that can be offered to this House for the increase in the Education estimates which were debated and approved, at least by committee, an increase between the end of June and the end of September of some \$103 million.

The amount that is shown in the comparative performance budgetary expenditure quarterly reports tabled on September 30 is just that. It's an outline of performance, or an estimate. Actually, it shows the anticipated changes in revenue and expenditures. That amount in education is primarily the amount that the latest actuarial report on the teachers' superannuation fund showed was in arrears, about \$106 million. That is again an estimate. We haven't got the final figure, but I would expect when that figure has been produced, the amount that is required, less any amounts of underspending in the ministry, will be dealt with by the minister in supplementary estimates.

Mr. Van Horne: I would ask, then, in the light of the minister's reply: Does the amount of money that was indicated in the estimates—that is, the amount of \$105,245,000—really now total \$208 million?

Hon. Mr. Auld: Would the hon. member repeat that? I wasn't keeping track of the figures.

Mr. Van Horne: The earlier estimate was \$105,245,000. This is on vote 3003 in the supplementary. I'm asking the minister, should that figure now be \$208 million?

Hon. Mr. Auld: Approximately.

Mr. Van Horne: A further supplementary, if I might: In the light of this, I find it rather disturbing because if we multiplied it out for the time remaining in the year, we could

come up with an additional \$200 million or \$300 million.

Mr. Speaker: I don't hear a question yet.

Mr. Van Horne: The question is: Does the minister perceive a need for an annual actuarial valuation rather than a valuation every three years?

Hon. Mr. Auld: I guess that question should properly be directed to the Minister of Education (Mr. Wells). But various funds have various dates for actuarial updating, if I can put it that way, and in the past I think the time spans have been correct. However, one of the reasons that the royal commission has been set up to look into pension funds—and we're making some internal studies ourselves—is that the rate of inflation, the very large annual increases in salaries, and the fact that in the teachers' case their pensions are based on their best seven years have meant a very large increase in the unfunded liability, which happens every time there's a salary increase.

Mr. Lewis: You are just impossible.

Hon. Mr. Auld: So it may well be that we should be looking at more frequent actuarial studies.

Mr. Lewis: That's why they call you Mikoyan, you will be here forever.

TTC FUNDING

Mrs. Campbell: Mr. Speaker, my question is to the Minister of Transportation and Communications. In view of tomorrow's Metro council meeting to discuss transit fares, will the minister now tell us whether the provincial subsidy is conditional on the 70 per cent fare box rate? In other words, what objection does he have to letting Metro decide itself, in these days when we want more autonomy for our municipality, what proportion of TTC costs will be borne by the municipal taxpayer and what amount will be covered by the fare box?

[2:45]

Hon. Mr. Snow: I'm happy to clarify what appears to be some kind of an uncertainty in certain people's minds as to the conditions of the provincial subsidy. First of all, to answer the hon. member's second question, I have no objection whatsoever to Metro council's deciding how it wishes to raise its share of the cost of operating the TTC.

The suggested target for Metropolitan Toronto is that 72.5 per cent of operating revenue should be raised in the fare box. We establish our subsidy based on 50 per cent of that remaining above the target, which is 13½ per cent of total operating cost. In addi-

tion to that, there are two or three other subsidies available to municipalities under certain circumstances, one being the start-up cost of a major new facility. There is considerable additional money going to Metro this year and for the next three years to pay the additional start-up costs for the Spadina subway until it matures.

In addition to that, there are some other smaller amounts that are available to municipalities—I don't believe it affects Metro—where there is a growth rate above a certain percentage or where new routes are established. Actually, it works out this year, I believe, that with the additional subsidies our subsidy will be about 15 per cent of the total operating cost of the TTC, that is, the 13¾ per cent plus the additional qualifications under other provisions of the guidelines.

That is not a conditional grant. It is paid to the municipality of Metropolitan Toronto. The only condition is that that grant cannot be more than 75 per cent of its total operating deficit. In other words, I can think of a smaller municipality that raises about 80 per cent of its operating costs out of the fare box, that municipality would have a target of 50 per cent. If we were to pay 25 per cent, which would be the standard grant for that municipality, the grant plus its fare box revenue would be more than the operating costs. In that case, our grant cannot be more than 65 per cent of the deficit. Other than that, there is no condition.

Mrs. Campbell: Supplementary: I take it that what the minister is saying—and am I correct in taking this—that he is basing his performance, as it were, upon that formula but not necessarily determining that this is the formula that the Metropolitan government must take in order to finance its operation. If the minister is saying that, how can he then provide us with the kind of definition of his financial responsibility, except as it relates to that percentage?

I'm sorry if I haven't followed the minister but I don't understand him. He can say that his formula is based upon that percentage and, if it is, then is he not indirectly dictating to Metro how it is going to raise its funds?

Hon. Mr. Snow: No, I don't believe we are dictating at all. As I have stated, our basic formula operating subsidy for Metropolitan Toronto is 13.75 per cent of total operating costs. That is payable.

To get into another example, in a municipality that has a population of under 100,000 its target is 50 per cent. In that case, we pay 25 per cent of its operating costs. There are many of those municipalities that do not

meet the 50 per cent target from the fare box, my own being one, but may get 35 per cent or 40 per cent of their operating costs out of the fare box. We still pay the 25 per cent. The municipal council involved makes the decision as to how that is made up.

Ms. Bryden: Supplementary: I would like to ask the minister whether he thinks that a subsidy of 13.75 per cent, or even 15 per cent, in Metro Toronto, is adequate to implement the provincial commitment which it made three or four years ago to shift the emphasis from roads to public transit and, in the long run, to save money on roads and reduce the congestion and the pollution in the big cities?

Hon. Mr. Snow: Yes, Mr. Speaker, I think that it is most reasonable and that it meets our objective of giving a great deal higher emphasis to public transit. I believe our transit operating subsidies this year will be something in the neighbourhood of \$60 million, which is about eight to nine per cent above those of last year.

Mr. Warner: How much is for roads and how much for highways?

Hon. Mr. Snow: At the same time, there is no increase this year in moneys available for municipal road construction, although there will be a modest increase in the moneys available for municipal road maintenance. I would point out that adequate maintenance of the municipal road system is equally important, if not more so, for the operation of a transit system as it is for the automobile. What the hon. member forgets is that the major portion of transit in the province of Ontario now, and perhaps for a great many years in the future, is and will be the bus which runs on roads.

Mr. Nixon: You must be building a model.

Mr. S. Smith: Supplementary: Is the minister prepared to say, in view of the debate going on in Metro and in the city and so on, that the government will pay 15 per cent of the operating expenses this year, we'll set some other dollar figure in future years and how Metro chooses to raise the rest of the money is Metro's business? Is he prepared to say that clearly so that everybody understands it in view of the impending debate in Metro council?

Hon. Mr. Snow: Mr. Speaker, I don't know how many times I have to say it—

Mrs. Campbell: Just say yes.

Mr. S. Smith: Say yes.

Hon. Mr. Snow:—I'm not going to say 15 per cent, I'm going to say 13.75 per cent,

which has been put in letter form to Chairman Godfrey and the TTC.

Mr. Warner: Get a new letter writer.

Hon. Mr. Snow: As far as I'm concerned, and I know as far as those gentlemen are concerned, there is no uncertainty about it. That is it.

Mr. S. Smith: That is it?

Hon. Mr. Snow: Yes.

TEA AND COFFEE PRICING

Mr. Swart: I have a question of the Minister of Consumer and Commercial Relations. In the light of the letters tabled by him today from the coffee companies on coffee prices—and he's had some time to look at some of them—has he checked the accuracy of the somewhat less than impartial information which he has received, and has he now questioned his colleague, the Minister of Correctional Services (Mr. Drea) on the information which led him to believe that his ministry was being ripped off at \$2.94 a pound for the coffee?

Hon. Mr. Grossman: The answer to the second question is, no. The answer to the first question is that when I write major chains such as I have written and those chains are asked to respond to inquiries from the Minister of Consumer and Commercial Relations, I tend to accept the facts and figures they give me.

Mr. MacDonald: That's what the Minister of Energy did with the oil companies for years. He was led up the garden path.

Hon. Mr. Grossman: The members may take exception to some of the backup explanations in the conclusions they draw—

Mr. Nixon: Your colleague says it's a ripoff.

Hon. Mr. Grossman: —but I accept the figures they have given me. I don't question their accuracy on the face of them.

Mr. Swart: By way of supplementary, might it help the minister to change his mind about the accuracy if I pointed out that, from the few minutes that I have had to look at this, there's an error in the letter which he received from General Foods. They say the wholesale price in the United States is \$3.41 a pound, and say it was that for some period before. Yet during that period, I know that Mr. Divine, the manager of the northwestern New York Tops supermarket told me they were buying it from this company at \$3.28 a pound. Is the minister aware now that his own information shows that from 1975 to 1977 Nescafé coffee went up in price from \$1.33 to \$4.39 and that that was a \$3 increase?

Mr. Speaker: Order. The question has been asked.

Mr. Swart: But that coffee only went up \$1.50 that was in that package?

Mr. Speaker: Order.

Hon. Mr. Grossman: I am no more prepared to say that General Foods Limited, in responding to me, is giving me incorrect information than I am prepared to say that the gentleman the member spoke to at Tops or whatever it is in Buffalo is giving him wrong information. He is reporting to me that someone has given him—

Mr. Warner: The new leader of corporate protection—terrific.

Hon. Mr. Grossman: Does the member for Scarborough-Ellesmere want to listen and find out or does he want to just talk to the member for Welland-Thorold and see what he tells him?

Mr. Swart: We want you to find out.

Hon. Mr. Grossman: Perhaps the member would tell his colleagues to be quiet and they would hear the answer. I am no more prepared to say that one is lying than the other, although I suppose the member's proclivity may be otherwise. If he wants to tell me that he has some information, hearsay though it may be, that someone else believes the wholesale price in New York was different, rather than splash out something that says, "I believe someone is lying" to me, I would be more than happy to write back to General Foods and say to them: "My colleague, Mr. Swart, informs me such and such. Would you care to comment?"

At the same time perhaps the member will be kind enough to write his friend at Tops discount in Buffalo and tell him what General Foods says and invite him to comment further.

Mr. Lewis: Just two months ago you were a heretic.

Mr. Philip: Supplementary: Can the minister inform the House why, if he is so open to impartial investigation, his investigators have not availed themselves of the information that the member for Welland-Thorold and I have collected, despite constant offers to make this information available to him? And can the minister inform us of the absence of any report from the AIB? Would he be willing to table the questions he's asked from the AIB and their reply to ascertain whether or not they have in fact withheld information from his ministry?

Hon. Mr. Grossman: The answer is that the material was just distributed a few hours ago by my ministry and through sheer inadvertence, the AIB letter was not reproduced or distributed. I think it should be by now.

LIQUOR LICENCE REGULATIONS

Mr. McKessock: Mr. Speaker, would it be possible to obtain a response from two ministers for my question?

Mr. Haggerty: You will probably get two different answers.

Mr. McKessock: I will direct my question to the Minister of Consumer and Commercial Relations, but I would also like to have a response from the Minister of Industry and Tourism (Mr. Bennett).

Mr. Lewis: Good luck.

Mr. McKessock: Is the Minister of Consumer and Commercial Relations aware that if a person who is running a successful tourist business obtains a resort liquor licence, he must close down his complete operation for at least two months each year to comply with the regulations?

Hon. Mr. Grossman: If the member would like to give me some specifics of the resort in question, I will see if I can find out what occurs in the circumstances.

Mr. McKessock: Supplementary: In view of the fact that either the Act or the regulations state that a resort operator must close down completely for two months to comply with the regulations, does the minister feel that this is fair in a province where we are trying to encourage tourism as a year-round business? If he does, I would like him to tell me why. If he doesn't, I would like him to tell me when he would make the necessary changes to allow such an operator to close down only the liquor part of his business, and not the rest of the business for the two months, so that he will be able to carry on in a normal fashion.
[3:00]

Hon. Mr. Grossman: I will be happy to look into it and report back to the hon. member.

Mr. Lewis: Sure, you could send some letters out. You're kind of the minister of collected correspondence, aren't you?

Mr. McKessock: Could I ask the Minister of Industry and Tourism—

Mr. Speaker: You're only entitled to one question at a time.

Mr. MacDonald: The minister is becoming the Dear Abby of Queen's Park.

Hon. Mr. Grossman: I can't solve your problems; forget it.

Mr. MacDonald: I don't want you to. You are overburdened.

Mr. Lewis: You had a few radical twitches a few months ago. Boy, have they taken you in. What a transition!

Mr. Speaker: Order. The hon. member for Carleton East has the floor.

HYDRO CONTRACTS

Ms. Gigantes: I have a question for the Minister of Energy. Is the minister now prepared to table the contract signed between Ontario Hydro and Gulf Minerals Canada Limited for the purchase of the 3.7 million pounds of yellowcake uranium for 1980 to 1985?

Hon. J. A. Taylor: No.

Mr. Lewis: Aha! Why not?

Hon. J. A. Taylor: Because, as I indicated previously, I am pursuing the procedure involved. I have half of the information. I am not prepared at this time to give a definitive answer in terms of the tabling.

Mr. Lewis: The minister usually works by halves. I am surprised.

Mr. Reed: Is there a contract or is it just in the minister's head?

Hon. J. A. Taylor: I can assure the hon. member that I am not going to table my head in this Legislature.

Mr. Warner: Why not?

Mr. Reid: We won't be able to tell the difference.

Mr. Breithaupt: Another empty answer.

Mr. Speaker: Order. The hon. Minister of Energy has the answer to two questions asked previously.

NANTICOKE PLANT

Hon. J. A. Taylor: On Monday, October 17, the member for Halton-Burlington (Mr. Reed) asked me in the Legislature how much had been spent this year on repairs at Nanticoke generating plant, the approximate percentage of those repairs underwritten by the equipment suppliers through warranty, and what percentage of the repair costs would be passed on to electric power consumers.

On July 31, 1974, seven months after the expiry of warranty, the No. 2 generator at Ontario Hydro's Nanticoke power station was destroyed by fire. The fire was attributed to the malfunction of an end bell on the generator. Ontario Hydro had a fire insurance policy and a machinery breakdown policy on this unit, each subject to a \$500,000 deductible clause. Hydro's loss in consequence of this fire is therefore covered by the insurance and the cost of repairs is being paid by the insurance company, except for the deductible amounts and some items that were not insurable.

The estimated cost of repairs on No. 2 generator was \$6,867,000; \$5,046,000 was recoverable on the machinery breakdown insurance and a further \$586,000 was recoverable on the fire insurance. Together, the insurance recovery amounts to \$5,632,000 or 82 per cent of the loss. The other 18 per cent of the loss includes \$500,000 deductible on each of the policies and \$235,000 of uninsurable items.

In pursuing recovery of their loss from Howden and Parsons company, the insurance company will also seek recovery for Ontario Hydro of the \$1,235,000. If this action is successful, then none of the loss occasioned by the No. 2 unit will be sustained by Hydro. If it is unsuccessful, then the cost to Ontario Hydro, and ultimately to its users, will be \$1,235,000.

All other units at Nanticoke generating station, except No. 2, which was virtually replaced, are being modified. This work involves replacement of end bells, fittings of new wedges in the winding slots, and inspection and removal of cracks in the rotor forgings. This work is being carried out by Howden and Parsons coincident with overhaul and other work requiring shutdowns in order to minimize disruption of operations.

Up to the present time, Howden and Parsons have submitted no bills and no payments have been made to them in regard to these modifications.

Ontario Hydro's position is that the equipment contained basic design faults and Hydro does not intend to pay for the corrections of these basic design faults regardless of whether the one-year guarantee period had or had not elapsed.

Mr. Reed: Supplementary: Do those figures include the cost of the replacement of the hangers which had crystallized and had to be replaced? And does the minister not think that a 12-month warranty on a piece of machinery of this magnitude is rather pathetic?

Hon. J. A. Taylor: I'll check in connection with the hangers, because that's a distinct problem, as the member appreciates. As to the length of the warranty, I gather that's a common commercial practice, but I agree that it does seem limited in terms of the magnitude of the capital outlay.

Mr. S. Smith: Supplementary: Is the minister aware that the entire Bruce B heavy water plant carries with it only a 12-month warranty, and does he think that in view of that capital outlay, which is considerably more than the few million he is talking about, that Hydro has been lax in not obtain-

ing proper warranty on behalf of the citizens of Ontario?

Hon. J. A. Taylor: Mr. Speaker, I think the Leader of the Opposition is again speaking in general terms. If he would be precise about the particular piece of equipment he is speaking of, regardless of the—

Mr. S. Smith: The whole thing.

Mr. Reed: The whole plant?

Mr. S. Smith: Twelve months.

Hon. J. A. Taylor: If you want to put a warranty on every item in your building—all the labour and material—then I think that's a little ridiculous.

Mr. Warner: They should guarantee the minister for a year. With our luck we'd get a replacement.

Hon. J. A. Taylor: If the member is talking about the total cost—\$1.3 billion in terms of the two plants, B and D—I think he'll agree that you must specify in regard to the particular items that have no warranty.

Mr. S. Smith: Twelve months is the longest then. Check the contract.

Hon. J. A. Taylor: The hon. member doesn't understand. I find it very difficult talking to him.

Mr. Speaker: Order, please. The minister has answered the initial supplementary and that's sufficient. The hon. member for Samia with a new question.

CONSUMER PROTECTION

Mr. Blundy: I have a question for the Minister of Consumer and Commercial Relations. What is the minister's response to Professor Edward Belobaba's article in the current issue of the Osgoode Hall Journal, in which he charges that Ontario's consumer law is a name-only legislative gesture—

Mr. Samis: It is true.

Mr. Blundy: —and that most consumers, including many judges, are unaware of the existence or scope of operation of the Business Practices Act because the government is distributing a four-page pamphlet on a limited basis instead of publicizing it properly?

Hon. Mr. Grossman: Firstly, the good professor—to give him the benefit of the doubt—has reacted a bit too much to some of the publicity that other jurisdictions take the pains of generating when they are doing only what my office does routinely every day, and that is effect a lot of restitution for consumers. Within our own office building, as a matter of fact, when they have people

in who have been treated unfairly, they call in those persons who've dealt unfairly, have a long chat with them, point out what may have been wrong and invite them to consider, very carefully, making restitution to those who have been badly dealt with.

Mr. S. Smith: Why keep them secret?

Hon. Mr. Grossman: Where the businessman decides that it would be appropriate to rebate the money, some of the other jurisdictions, in similar circumstances, give out press releases as though an enormous accomplishment had been effected that particular day; therefore, there's a lot of publicity given to that act.

The trade-off that you make for that is that it removes some of the motivation for that particular businessman to make the restitution, and it encourages more court actions as a result. The approach we take here is that the important thing is to get restitution for the aggrieved person. As we stand here, there may be several people over in my office who are, in fact, getting money back; and we are doing it without publicity so that the process can go on more easily, more swiftly and more efficiently.

Mr. Warner: I wouldn't publicize what you do if I were you.

Hon. Mr. Grossman: Last year, for example, although the professor doesn't refer to these figures, the ministry effected some \$1.5 million worth of restitution to consumers. That's something we have done mostly without publicity, because we have only issued press releases as a result of cease and desist orders and restitution that followed, but was not ordered by court actions.

Mr. S. Smith: The ministry hides its light under a bushel.

Hon. Mr. Grossman: So we take a bit different approach, but I think the lack of publicity towards the vast amounts of money we effect restitution of should not be confused with lack of efficiency.

Mr. Speaker: We have one minute left. Do you want a supplementary?

Mr. Blundy: A short supplementary, Mr. Speaker: In view of the minister's statement that there are a great many settlements in this field, why does the ministry not publicize the Act more widely so that many people of Ontario who are not aware of it will be able to get some help from this Act?

Hon. Mr. Grossman: Subject to some budgetary restrictions we have, and that is

something that is under active consideration. It's a concern we have.

MOTIONS

SELECT COMMITTEE ON HIGHWAY SAFETY

Hon. Mr. Welch moved that an order for the consideration of the report of the Select Committee on Highway Safety, which was tabled on October 17, 1977, be placed on the order paper for Thursday evening next, November 3.

Motion agreed to.

INTERIM SUPPLY

Hon. Mr. Auld on behalf of **Hon. Mr. McKeough** moved resolution No. 4.

Resolved: That the authority of the Treasurer of Ontario granted on March 31, 1977, to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing April 1, 1977, be extended to March 31, 1978, such payments to be charged to the proper appropriation following the voting of supply.

Mr. Peterson: Mr. Speaker, speaking briefly to this matter, the government at this point is asking for supply for a five-month period. As we have debated on many occasions previous to this occasion, we don't feel that five month's supply is necessary at this time, but rather than create a major fuss we are going to support the motion at this time.

I think, however, it's important to put on the record two or three things that we feel very strongly at this time. Here we are voting supply at the very last date possible; at the end of this month, we are voting for another five months. I think it is reasonable to expect, concomitant with some of the recommendations of my colleagues previously, that we can have supply for a three-month period. What this resolution necessarily implies is that we will probably not be back in this House until March, some five months from now. We think that's far too long, and it relates very much to the number of days that this House sits and the number of hours that this House sits.

We think that it's been very poorly organized in this last year, and to that end we share some of the views of the member for York South (Mr. MacDonald) in a speech that he made last week.

We come back here for a very short period of time during a year and we jam a whole bunch of things into a very compressed period. We're sitting three nights

a week, plus committees on Wednesdays. We're always fighting for an extra day. We're going to have a holiday next week on Friday because of Remembrance Day. We're going to have to compact and readjust the sittings of this House to conform with the pressures of getting through this heavy legislative schedule.

In our judgement, it's been very poorly handled. In our judgement, we should not be giving five months supply at this time. We should probably be giving something more like three months at a time so that these things can be kept under better legislative scrutiny.

[3:15]

We think at the very least this House should be called back sometime in February to get on with the business of this province. These matters have been discussed at great length.

Hon. Mr. Bennett: You won't be going to Florida then.

Mr. Peterson: You're going to Florida probably.

Mr. Nixon: The minister may be on the other side of the world, if we're lucky.

Hon. Mr. Bennett: The oftener you do that the better for us.

Mr. Deputy Speaker: Order.

Mr. Breithaupt: You can go and take your barber with you.

Mr. Peterson: And your own personal sheriff and everything else.

These arguments have been made many times before. I just want to put on the record that we are not very happy about the way this has been organized. I would hope that the government House leader would take this under advisement when he is structuring the business for the next session. Our party hopes we are back early and that we can have a reasonable schedule so that things are accomplished sanely, intelligently and with more thought than one is able to provide in frequent circumstances under these compressed hearings when we're constantly rushed to find a half-hour there, or 15 minutes here or there to make up the required number of sittings. When we're only doing legislation one day a week, and that under great pressure, we think it's incumbent upon the government House leader with the co-operation of our House leader and the New Democratic House leader, to work out a far more sane and intelligent schedule.

We don't think this kind of supply motion is necessary, even though, as I said, we will

support it. I hope in the spirit of co-operation under which these comments are offered that the government will very seriously take them under advisement. We would hope that something serious is done about this in the very near future.

Mr. Lewis: I'd like to use just a moment to associate our party with the remarks that were made by the member for London Centre. I'm going to speak as quiescently as possible, lest I work myself up to an amendment in the course of my own remarks, which has happened to me from time to time, embarrassingly enough.

Mr. Nixon: We recognize that.

Mr. Lewis: The hon. member for Brant-Oxford-Norfolk has moved an amendment on previous occasions to reduce it to three months. I must say that our inclination would have been, however uncomfortable that is for the government, to support it. I guess one doesn't always want to do that kind of thing, to be trapped into that kind of thing, but there are two reasons on the face of it—there, I am already starting to lose control, I shall temper myself.

There are two reasons right on the face of it why this should receive begrudging support, if any. Number one, the government is a bunch of the most incompetent economic managers around.

Mr. Reid: You can't argue with that.

Mr. Lewis: The government is constantly asking for approval of estimate votes for sums of money which, by the time we come to the end of the term, have jumped by \$100 million, \$200 million, \$300 million or more. Something sticks in the craw to have to stand here and give the government a five-months extension to supply, knowing that by the time it is over the Treasurer (Mr. McKeough) will have again mutilated the revenue projections of the province and proved himself again one of the least successful prophets of this age or any other, and that we will be well over \$1.5 billion in debt by March 31, 1978.

Mr. Nixon: He is in his own country.

Mr. Lewis: I want to tell you, Mr. Speaker, that this aggravates us. It also can reduce my crescendo on the second point which I want to make with the government, which is simply that the government is systematically destroying the way this Legislature works. I really do want to say that to the House leader, because he is one of the people who has tried very hard within minority government to have it function adequately. I respect that and acknowledge it, and I think he

understands it. As my colleague the member for York South pointed out, and as the member for London Centre points out, it is just nuts around this place. It just makes no sense at all to be sitting in a jurisdiction whose budget exceeds \$13 billion a year, where the government wants to run through 40, 50 or 60 bills easily—many of them quite substantial, not just housekeeping hocus-pocus but fundamental and serious matters—in four or five months. In those circumstances it's back-breaking to sit here for four or five months, it makes no blessed sense.

We are reducing the parliamentary system to an intermittent travesty. It would not kill us in this Legislature to sit eight or nine months a year. It is wrong to come back here as late as we do and sit for so short a period of time.

Mr. Eaton: Look at the empty chairs behind you. Where are they all?

Mr. Lewis: Although obviously the New Democratic Party would wish not to have its celebrated leadership convention disrupted by the mere banality of what goes on, it wouldn't hurt us either. I don't think it would offend anyone if we came back in January or very early February, let's say February 5 or 6, rather than the usual inclination of coming back three or four or six weeks later, causing everybody endless turmoil during the course of the year.

The Chairman of Management Board (Mr. Auld)—certainly the House leader—I won't speak for the Chairman of Management Board, I don't know him well enough; I've known him for only 14 years and I can hardly scrape the surface—but the House leader is a more transparent fellow; he wears his emotions on his sleeve. It is clear that it must offend the House leader that we be subject to such excruciatingly bizarre procedures in this legislative chamber as pulling all the business into four or five months.

The member for London Centre, typical Liberal that he is, takes exception to the blessed thing and doesn't even move an amendment to change it. I, a typical New Democrat, will do likewise. Nonetheless, we are both at fault. There should be a Globe and Mail editorial repudiating both opposition parties for letting the government get away with this nonsense. Finally, at least, we've registered our sense of irritation.

All of the other chatter aside, we are really undermining the way this House works. We're really doing it severe and perhaps long-term damage unless the Premier (Mr. Davis) can be persuaded to start sitting eight, nine or 10 months a year so that the business can go through gradually, the ministers don't feel so cramped and pressed, not everybody

is frantic, and three and four committees don't have to sit at a time. That is not an unreasonable request.

Clearly, this motion which the Chairman of Management Board has put is meant to violate that principle, and that's what's so offensive in it. We give him support so reluctant, so begrudging, so unfriendly, that we will barely be able to choke forth the word "aye" when the motion is called. He should take that to his well-disposed heart. Yes, it's there; he's one of the few who has one.

Hon. Mr. Auld: Mr. Speaker, I just want to say that I'll ensure that the House leader is made aware of the remarks that I have just listened to.

Mr. Lewis: Good.

Motion agreed to.

ORDERS OF THE DAY

ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

(continued)

House in committee of supply.

On vote 1603, supervision of police forces programs; item 1, Ontario Police Commissions:

Mr. Stong: Mr. Chairman, I have a few remarks I wanted to make on this particular vote. To open, perhaps I can ask a few questions with respect to the morale of the police forces throughout Ontario, what the police commission is doing with respect to ethnic problems as they exist in Ontario, and more particularly in Toronto; what is the attitude of the Ontario Police Commission with respect to the exchanging of information between police forces throughout Ontario, and what is the attitude of the Ontario Police Commission with respect to the laying of charges? I am thinking particularly with respect to the duplication of charges, the numerous charges that arise out of one particular instance and appear on the court calendars day after day, which would bog the courts down, and what the attitude of the commission is.

But first, with respect to the question of morale in the police force I directed my opening remarks very cursorily to this particular item. I am concerned, because it would appear to me that the attitude of the public towards the police force is perhaps not completely undeserved by the police in many respects, given the way they treat the public on occasion. It calls, perhaps, for a person with the wisdom of Solomon, but on the other hand perhaps just a little human understanding and a human approach to some

of these problems would suffice. I would like to know, specifically, what training police officers receive in terms of dealing with the family situations, situations as they develop between husbands and wives, and domestic disputes that the police officers are called in on so frequently.

Just over the weekend I had occasion to receive reports from people who had had recent occurrences and recent contact with the police. If I just may refer to one situation that came to my attention, it perhaps demonstrates what I am talking about with respect to police and public relations. I think public relations with respect to the police are very inadequate, perhaps even to the extent that they are non-existent, with the exception of the police officers who attend at the schools and speak to the children with respect to safety.

I would like to read into the record this letter, because it seems to me it is a typical example of a person who came in contact with the Metropolitan Toronto police; again, it demonstrates a lack more than an outright or overt attempt by the police to be disruptive. Robert Sexsmith writes to me: "The following situation occurred involving my relatives and I dealing with three North York officers. The reason I am relating this story is because I do not agree with the reasons justifying the episode as well as the outcome of it.

"I was driving on Yonge Street north toward my home in Richmond Hill, October 25, 1977, about 1:30 a.m. My wife and brother-in-law were passengers. I was north of No. 32 police station on Yonge Street when a police officer drove alongside of me and signalled me to turn over. I then noticed a police cruiser behind me with rotor lights flashing. The sergeant approached my car, reached in and pulled my headlight switch all the way out. He said I was driving with my headlights out. I then realized that I was only driving with my parking lights on.

"The other two officers that stopped behind me walked up to the side of my car. I was asked to produce my licence and ownership, then to step out of the car. The officers asked me to perform several tests of balance and then searched me. I felt I performed all these requests adequately.

"I was asked to sit in the cruiser by one of the officers. While I was inside, the other officer sat in the cruiser and said I was under arrest for impaired driving. He said I was going to be taken to the station for a breath test. They asked me several questions concerning the last 24 hours and my activities

and the amount I had been drinking, as well as the length of time.

"My wife, who had consumed a lesser amount of alcohol over a longer period, was not allowed to drive the vehicle home after requesting to do so. A tow truck arrived and removed my car to the pound on LePage Street. A taxi was taken by my wife and brother-in-law to No. 32 station to await the result of the breathalyser. I arrived at No. 32 station with the officers and was taken to a room to be questioned by the two arresting officers.

[3:30]

"A third officer qualified for the breath test was also present. He asked me to perform several reflex and balance tests, then left the room. One of the arresting officers made a telephone call from the room. I was told by him that my court date was set for Wednesday, the 26th.

"This was confusing, because I did not have the breath test yet. Several more questions followed by the two arresting officers, then I was taken to another room where I met the third officer to take the breath test. The officer familiarized me with the analyser. I did not blow over 0.08 which would indicate my impairment. The officer said I was lucky, and free to leave.

"I went home by taxi, which cost \$7. An \$18 charge to obtain my vehicle from the pound the following day was another cost borne by myself. We phoned the following day to inquire about reimbursement, but were told this never occurs. I feel that some reimbursement for these costs are in order, since my conviction never resulted. There was also a great deal of inconvenience and tension brought to bear on my relatives and myself for what seemed to be inadequate justification.

"This charge is also of greater import to myself by the fact that my occupation depends on my possession of a driver's licence. I think these officers had sufficient justification for taking these serious measures—my headlights were out on a well-lit street." That doesn't make sense, but neither does the sentence in the letter.

"Perhaps scrutinizing the actions of the officers more thoroughly as well as penalizing them for weak judgment, would help prevent such aggravating circumstances from occurring again."

That letter was written by a constituent, —an ordinary law-abiding citizen I would assume, who undergoes a breath test; which is within the competent jurisdiction of a police officer to conduct. I am not quarrelling with

that. The fact of the matter is, this person passed the breath test and was not, in fact, charged. In fact, he was not even charged with driving with only his parking lights on. No charges resulted whatsoever. His complaint is that there was lack of understanding and lack of proper public relations by the police department, particularly when the breathalyser adequately demonstrated his innocence.

Likewise, he phoned the police station, as he has indicated in the letter. He explained to me on the phone that the response he got was fairly curt, but that he was advised that he was not entitled to reimbursement for the impounding of his vehicle, even though he was innocent of any particular charges.

I think it can be read from this situation that perhaps the public is justified somewhat in its hard line towards the police departments. I related the incident I observed myself in front of the CNE. We say, sure there is always a bad apple in the barrel and it colours the rest of the force. Unfortunately, that is true. With respect to the relationship between police officers and members of the public it is my respectful opinion, in submission to the minister, that much more can be done in this area in dealing with people on a more friendly basis, particularly in circumstances such as these.

Why wasn't it explained to him that he was free to go, rather than just be let go? Why was he advised that there would be a court date even before the breath test was administered? Why, in fact, was his wife not allowed to drive the vehicle home when he asked questions? None of these things were explained to him.

Maybe the police officers were justified in acting under the authority given to them by virtue of the Criminal Code, but the only thing I can see this person complaining about is that there was inadequate explanation given to him of the surrounding circumstances, and particularly the administering of that test.

I know that the police officers are called upon in every type of situation, and the nature of the work is almost contradictory, in a sense, I suppose, from day to day, but I received another letter from a constituent who witnessed a beating, again, at the Finch Avenue subway station in Toronto. He complained to the police. The police arrived. He explained to them what he had seen. It was a group of high school students, he estimated, using a pipe. Again, there were racial overtones because there were blacks and whites involved in the situation—only it

was his estimation that it was the blacks who were beating up on the whites.

He did complain to the police but, rather than them taking a formal statement from him, he was very curtly dealt with again, and it was explained to him, without going into detail, simply that this occurs every day and unless someone lays a complaint, then the police are powerless to deal with the situation.

Here is a citizen who witnessed something at the Finch subway station, who did make this complaint and did want it investigated. He volunteered to go along with the police to the school, which he assumed these boys were from, to investigate. Maybe no charges would have been laid, but the fact is that had this citizen gone in the accompaniment of the police officers to that school in North York, perhaps just their presence in the school would have made the rest of the students aware.

If nothing else was accomplished, other than making students aware that the public will not tolerate this behaviour and that each incident will be investigated, then the police would have accomplished their task and, again, would have built up a greater rapport between the citizens and those who are clothed with enforcing the laws of our province.

I received another complaint last week from a man who lived in Downsview. He is of South Asian extraction and had trouble renting premises but was successful in getting premises for himself and his wife. His vehicle was parked in an underground garage. One night he parked it there when he came home from work; the next morning, when he went to get into his vehicle, the windshield had been smashed and the shattered glass lying on the front seat and on the ground.

He reported this situation to the police. The police arrived and investigated. Of course, there was no one to be seen and no leads, other than the smashed windshield, were present.

He went back into his home and that evening he was visited by two white persons who apparently barged into the apartment and struck him, cutting his eye. Whether it was related to the car or not, he does not know.

Again, that was reported to the police on the same day. The police came, took a statement from him and again he says that it was passed off, simply by the police officer saying that these occurrences are becoming more and more—not acceptable, but hap-

pening with a greater frequency, and the situation was left to rest with that.

His point is that it would have been much better if some police officer of perhaps the same extraction as he is had been sent to him on this complaint. If it had been a person of the same background, a person clothed with the authority of our law and perhaps a person who had rank and more authority, even within the department, to handle the situation, he would have been more satisfied with the result and more willing to accept the fact that the police cannot apprehend everyone. In fact, he would have been secure in the knowledge that something was being done and that the police were at least sympathetic with the situation, this having been conveyed to him in these circumstances.

I would like to know from the Solicitor General what is being done in this area, particularly in light of the headlines we read in the newspapers this weekend: "Metro Asians say Police Ignore Racism." "Police Ignore Us—Asians." "Sikh Vows, 'We Will Fight Against Racism'." "South Asians Constantly Fear Attacks." We have that type of situation. In the reports being prepared for the police, what is the ministry doing with respect to training of officers, the advancing and promoting of officers with similar backgrounds to those minority groups who seem to be subject to these attacks; giving them recognition through the ranks of the police forces, having them attend at these particular occurrences, interviewing the people and having some follow up?

I know this is going to be more time-consuming and greater demands are being made on the police force, but the police force represents our laws for the people out there. Each police officer is clothed with authority that we grant to him. Many people in society have no other contact with the police other than phoning in a complaint or seeing a police officer on the street. They can proceed, again secure in the knowledge that their safety will be protected. That's what we demand of our police force. Our police force, I am sure, is trying to accomplish that.

In terms of these areas that we read about in the paper on the weekend and in terms of the racial discrimination that abounds and is increasing, and the violence that is erupting and increasing, what is the ministry doing with respect to the training of police officers specifically to handle these situations? I would also like to know from the minister what basis there is in the training of police officers to handle domestic situ-

ations, again with a view to the public relations aspect of policing.

I noted also with interest in the report that you have given us that one of the functions of the Ontario Police Commission is to stimulate the criminal information-gathering processes, and as well to promote free exchange of intelligence between forces. I wonder if this is being accomplished and what is meant by this phraseology in your report to us. In preparing myself for these estimates, I did have occasion to speak to detectives from the York regional police force who described a situation to me where they wanted to inform themselves and become more acquainted in the detection of offences of fraud. The Metropolitan Toronto police force has a fraud squad which is renowned, does excellent work and has the expertise and the experience that is lacking by many other forces.

There is a film presentation, apparently that the Metro fraud squad can take around to other municipal and regional police forces to acquaint them with the situation. I am advised that some of the police officers in the York region wanted to see this film. The Metro squad was prepared to show it, but the plans and the meeting were curtailed and stopped by the powers that be, the higher-ups in the York regional police. I am wondering if this isn't just a figment of our imagination, this free exchange of intelligence between forces, and whether there isn't more jealousy and competition between these forces on a regional basis than there ought to be.

In fact, ought there not to be some sort of a liaison committee that could act as a liaison between officers, as well with respect to complaints and with respect to morale in the police forces? It seems to me there ought to be this exchange, but when I hear situations such as that developing, then no one wins but everyone loses, particularly those of us in the community who rely on our police forces for that type of assistance.

I am concerned about the Ontario Police Commission and its actual role in the policing of Ontario. Its function seems to be—and probably this is where society is most familiar with the Ontario Police Commission—in terms of that body hearing complaints about police officers. It seems to me the public is not aware sufficiently of what this commission does. Again it's lack of a relationship and rapport between the police and the community at large.

[3:45]

I'm not sure if this is the vote under which I'd like to get into police training—I believe it's the next item—so I will reserve any questions I have about specific police training to that vote. But I am concerned about what the Ontario Police Commission can do in public relations in terms of specific zeroing on on specific problems in our community and providing the personnel and the expertise to deal with those problems.

Hon. Mr. MacBeth: Mr. Chairman, the hon. member for York Centre has covered a good number of items in his opening remarks of this session. I would like to turn first to some of the things we are doing in police training, dealing with community problems of the sort he raised—the racial tensions. Although, as you say, we can deal with this again if we wish under the Aylmer police vote.

Police training was subject to a thorough review by the Ontario Police Commission's advisory committee on general police training in 1974. The report on police training was issued in 1975. The minister agreed in principle to recommendations contained in that report and as a result the commission is in the process of developing a complete training system for the police service in Ontario.

The revised probationary constable training program was implemented in January, 1977. It consists of five phases. In phase one the constable receives a brief orientation in his own force. He is then sent to the Ontario Police College for part A of the probationary constable's course, which lasts for 10 weeks. He is given an understanding of the human relations aspect of policing in our modern society, and this understanding is reinforced constantly throughout his training period. After successful conclusion of this 10-week training period, he returns to his police force where he is taught local procedures unique in his particular jurisdiction. The constable is then given from 10 to 15 weeks of practical field training with a selected experienced police officer, when once more the human relations aspect of police work is stressed.

At the conclusion of this field training period, he returns to the Ontario Police College for a further five weeks, the objective being to consolidate the constable's academic and practical training, measure his progress through the total program and uncover any weaknesses which may still exist and correct them where possible. Then there are other courses, a course for junior supervisors has also been set up and was implemented on October 1.

Further training programs for senior officers are being developed and will be introduced in 1978, and an additional refresher course for constables with five years or more service is planned. Several specialized courses for criminal investigators, identification officers and juvenile youth bureau personnel, together with traffic enforcement and engineering courses, have been conducted at the college on a regular basis for several years.

Then I understand that during their time at Aylmer there are 24 periods of public relations, one session of which deals with prejudice and one session with minority groups; that is out of 24 periods on public relations, one on prejudice and one minority groups. Maybe they should be increased and that will certainly be taken under advisement.

We talked in a general way about racial tensions the other day. You dealt with the matter that we had in the Saturday Star; of course it's a concern to us and I have this report dealing with that item.

An article in the Toronto Star on October 13, 1977, entitled "East Indians Threaten Retaliation for Attacks," by Star staff writer Joe Serge, caused me to contact the Metropolitan Toronto police. I visited the superintendent in charge of the division involved, Superintendent W. Barker, 55 Division, at 101 Coxwell Avenue in Toronto.

The newspaper article does not properly reflect the situation. It may be that its timing was intended to attract attention for a mass demonstration against growing racism scheduled for Sunday, November 6, 1977 at 2 p.m. at city hall, Toronto, to protest the government's inaction on the physical attacks and discriminatory treatment of South Asians and other immigrant communities. This news story also appears to be an attempt to counter the editorial which appeared in the Toronto Star on September 1, 1977, entitled "Police Are the Ones to Handle Violence." That editorial stated the case much more accurately. It described how the Metropolitan Toronto police have increased their surveillance on the neighbourhood, have laid assault charges if the evidence justified it, have identified youngsters engaged in name calling and informed their parents of their behaviour. It also stated that the community relations squad had been visiting with community groups trying to bring people together, working toward better understanding and co-operation.

The recent news article identified Mr. Kuldip Singh Samra, the general secretary of the Shromani Sikh Society. He is well known to the Metropolitan Toronto Police and cur-

rently is involved in various matters before the courts which cannot be commented on. Similarly, the other East Indian, identified as Mr. Sian, storekeeper, is before the courts and nothing may be commented on in that respect. The Metropolitan Toronto police have maintained surveillance of the immediate area of the Sikh temple on Pape Avenue since August 29, 1977, and there have been no incidents there in the six weeks since then.

It would appear that because this is the only Sikh temple in the city, it attracts East Indians from all over the greater Toronto area. Consequently, their cars are parked in the immediate area and residents and their friends are unable to find parking spaces. The Metropolitan Toronto police arranged parking facilities at Gerrard Square and these were used by members of the Sikh temple for only a short period of time. They declined to use them stating fear of being attacked when travelling to and from their cars. However, there have been no incidents of such occurring.

Another problem is that the East Indians congregate outside the temple, standing on the lawns and thus annoying residents. The residents complain about the garbage left lying around the temple and the state of the building which houses the Sikh temple. It appears it is an old grain storage shed.

Probably, they are doing the best with the facilities they have, but as you can see, they are causing some parking problems in the area, which I suppose, not surprisingly, annoys the residents who live there. Also I suppose the crowds, although I don't know this location, probably are turning what used to be a relatively quiet area into a fairly busy area. That's no excuse for the people reacting the way they do, but racial factors aside, I would think from my municipal experience that whenever a large group of this nature moves into a quiet residential area, whether it's the Anglican church or United church or whatever it may be, frictions arise in the community.

I suppose the fact that racial differences are involved just aggravates it. I'm not making apologies for the residents there. What I am trying to say is that it is probably not surprising, regardless of racial origin, that there is some friction there.

As I said the other day, sometimes we expect our police to straighten out the ills of the world and the sicknesses of our society. I just feel that sometimes we ask the police to do too much. I feel they are doing as good a job as is possible, dealing with the kinds of cross-sections of society that they do; however, you may have more

suggestions for us on that. I know that the senior police officers, both the OPP and the various large forces, get these copies of Hansard and glance over them and I'm sure the suggestions that the hon. member for York Centre has made will be taken into consideration by them.

You have some other specific items which you dealt with, such as morale on the police force. I think morale on the police forces is high. I'm not saying that some of the forces don't have morale problems but, generally speaking, when we look across the province I think morale is good, and I'll defend that morale for the OPP, the large metropolitan forces, and as I say most of the municipal forces across the province. We always have some complainers. Again, we look back to military days and there were always those in the services who were complaining about the management. To a certain extent, barrack-room grouching is a healthy sign.

Mr. Nixon: They used to complain about the Prime Minister.

Hon. Mr. MacBeth: That's right.

Mr. Nixon: But they always voted for him, of course.

Hon. Mr. MacBeth: I think that's a part of it. Sometimes you complain about these people but realize that they're probably doing a pretty good job under the circumstances. I'm not surprised if, when I was in the services, I didn't vote for the Prime Minister too, but we didn't always like the kind of orders that we got from the Prime Minister down to the petty officers—

Mr. Nixon: You were a yellow dog Liberal in those days.

Hon. Mr. MacBeth: —who were charged with carrying out the orders.

However, I'll defend the morale. I think the morale is good. Certainly, there's some beefing and I think a certain amount of that beefing is a healthy sort of thing.

Let's turn to that breath test that you dealt with on Yonge Street. I'm not so sure that I sympathize with your constituent in that case. We've heard his side of the story, or you've heard his side of the story. We haven't heard the police side of the story. Your constituent was writing this in the cold sobriety of a Monday or Tuesday morning, but the fact was he did draw the policemen's attention.

First of all, I gather there were two cars involved, and I would take some exception to that if they're stopping somebody who appeared to be driving under the influence. I would wonder why they needed a sort

of ganging up on him. It seems to me if you have two men in a car that would be sufficient to stop somebody of that nature, unless they suspected him of something more than impaired driving.

In any event, evidently he did do something to draw the policemen's attention to him. First, his lights were not on the way they should have been. The full beam was not on. That in itself is an offence. We don't know but what he was steering erratically or driving erratically. There is other evidence that is available in court other than the breathalyser test. In other words, policemen still lay charges on the whole basis, as you very well know, of staggering, glassy eyes and that sort of thing that we used to hear about in the courts.

The breathalyser is a more accurate and probably better test, but it doesn't mean that just because a person passes a breathalyser test that he should be on the road. I don't want to comment on the lady involved to any great extent. I don't know her, I don't know how much she had been drinking, but maybe the police, in their wisdom, decided that she was not in a fit condition to drive; not that she couldn't pass the breathalyser, but I'm saying just because you pass the breathalyser test doesn't necessarily mean that you are not a danger on the highway.

I think maybe the police did act reasonably. That is, I've come to that conclusion without hearing both sides of the story, but I can perhaps see shortcomings in the side of the story that you related.

(When it comes to the case of paying the costs every time that the police are not successful in prosecuting or having a conviction registered, I think we'd make a mistake to introduce that kind of precedent. Just because the preponderance of evidence beyond a reasonable doubt is not proven doesn't mean the person was not involved in doing something improper.

Scottish law, I understand, not only has a guilty and not guilty verdict but another verdict called "not proven." I think that is the case with a lot of people here, where our law says they're not guilty it's probably a case of maybe they were guilty but we didn't have enough evidence to prove they were guilty.

To start into a policy of repaying the costs, or paying the costs, whether it's tow truck costs or whether it's costs of the day in court, for all of those people on whom charges are laid and convictions not obtained, I think would be adding unduly to the public expense and I think probably quite unjustifiably to the public expense as well. If you want, I can get further information on that case and

get the police story. But I think you are only putting it forward as an example of the police not using the good discretion they might be expected to exercise from time to time.

[4:00]

Personally, I have had some experience with the police, as the hon. member for Brant-Oxford-Norfolk (Mr. Nixon) knows, not for going two miles over the speed limit but occasionally for making an improper turn. I remember I made a right-hand turn on a street one day that was signed against it, purely for traffic reasons. This was before I was in this hon. House. I was aware I should not have been making a right-hand turn there. The policeman stopped me. I guess I was having a bad morning because I was a little bit curt with him and suggested that the job he was performing in stopping this right-hand turn really wasn't very important. Like so many other people, I asked him didn't he have more important things to do in catching criminals.

Mr. Nixon: That was a good start. What did he say?

Hon. Mr. MacBeth: He was very polite. He said to me: "I am, sir." That cooled me out so quickly. From there on I couldn't be nice enough to him. I was the one who had started off on the wrong foot and the policeman was the one who came back with the answer that made me a little bit ashamed of my approach to him.

Mr. Lawlor: That was unlike the minister.

Hon. Mr. MacBeth: We all have these experiences with the police from time to time. None of us likes to be stopped and reprimanded.

Mr. MacDonald: What we call our off days.

Hon. Mr. MacBeth: The police are the only people—I shouldn't say the only people—but in some cases the only people who ever enforce discipline on our undisciplined society in this day and age, and we don't like discipline when it's applied to ourselves.

On the other hand, there's the kind of reference the hon. member for York Centre is probably referring to. One day as I was travelling, I thought the policeman might have parked more conveniently in a different place. I suggested to him that it would be more convenient for the travelling public who were trying to get through a narrow space if he moved his car up a few feet. I think my approach was quite reasonable. He came back with a very snappy answer that if I couldn't get through that space then I didn't deserve to have a driving licence.

Now there was a case where I was trying to be helpful and I thought the police were

not sufficiently understanding or co-operative. That incident, as opposed to the other one, left a bad taste in my mouth. The first one was a good taste. We all have these experiences. When your person wrote to you about being stopped unreasonably, I don't know whether they were as courteous as they should be. We express to them the need to be courteous. I think often they reply in kind. Despite that, they should give the answer the first policeman gave me, not the answer the second policeman I mentioned gave me.

On the Finch Avenue subway station incident, it is a matter of evidence. It could very well be that, although they made a note of the complaint, they see they have so little to go on by way of obtaining the necessary evidence to make a conviction they don't regard that particular complaint as seriously as either the citizen thought they should or as I think they should. I think they should make full notations of every complaint of that sort. I suppose the citizen who was making the complaint, although he was prepared to make a statement, might not have had any means of identifying the people he complained of. I gather you are suggesting they could have gone to a school nearby and maybe obtained that.

I have really little comment to make on it, except I kind of agree with you, again without hearing the police side of the story, that that matter should have been followed up to a greater degree than it was. I do feel that sometimes they instinctively know that no matter how much time they spent on that, they would probably not get the evidence they needed to lay complaints in court. I am inclined to agree with you that it was not, in view of what you are saying, followed sufficiently.

Again you mentioned the Downsview citizen, that is a citizen of South Asian extraction, who complained about an attack on his automobile in the garage and the subsequent breaking into his apartment. You noted these occurrences are becoming of greater frequency. I regret they are becoming of greater frequency and again I say that's society's fault rather than fault of the police.

I think your suggestion in that case was that they might have sent around to investigate somebody who was of a similar background or of greater rank. I gather they only made one call on them, and of course when the police get these calls they don't know what the background is, necessarily. Generally they want to send the closest patrol car to do the investigating.

There might have been a followup, I suppose, by somebody who was a little more diplomatic than the average policeman might be when he is working a heavy evening and making one call after another. I have had the experience of riding in a Metropolitan Toronto patrol car and know just how, on a busy Friday night, these calls often follow bang-bang-bang. They don't have all the time they might like to have to investigate each one fully and be as tactful as we would like them to be. But as far as having the right officer to answer the right complaint, it would be a little bit difficult unless you did that by way of a followup call.

On promotion of minority groups, we are doing our best. I think here again you can work discrimination in reverse. As you know, the Metropolitan Toronto force has not had over the years—although I think it has reflected society reasonably well—a great many people from East India or the West Indies in its ranks. It has some now. The problem is these are fairly new recruits and if you suddenly promoted them because of their background—although that could be one of the attributes for promotion—but if you did it simply because of that you would be practising discrimination in reverse. The OPC and the ministry are encouraging the police force to be reflective of the community it is in as far as its composition is concerned. I hope in due time those people being recruited in the last few years and at present will be promoted.

I don't know why the film was stopped. There are some rivalries among the three forces we have—the RCMP, the municipal and the OPP. I like to look upon it as healthy rivalry and in any of my approaches to the various commands involved I talk along these lines, saying yes we appreciate the esprit de corps in your own force. Let's talk about our forces as being number one, whatever that force may be, but remember that we are all serving the same people and that co-operation is the main element.

If you want to give us some more information on that film that was stopped, I'll be glad to follow it up and find out what the official reason was for so doing.

Mr. Lupusella: Mr. Chairman, I am sure if we listen to what the Solicitor General is saying today, it is that nothing is wrong in our society. We heard him saying morale of the police is good; training is good; the police force is doing its best; organized crime is under control; human relations between police officers and the public are also good;

we are expecting too much from the police force; the Solicitor General is not accepting the role of the police in educating the public. I have, then, to conclude that we are living in a perfect society and the role of the police officer shouldn't be criticized at all.

I am sure if he is so optimistic about the whole view, and in particular about the role of the police officer in our society, maybe that's why, I have to conclude, the Solicitor General is so optimistic when he talks about organized crime—it is because everything is under control in the police forces.

I can only say good luck to him. I don't share those views. I think that we have problems in our society. We see the role of police officers among the public, the kind of attitude with which they approach our society. I note their lack of understanding. It seems the Solicitor General, until the end of consideration of his estimates, is going to defend the role of the policeman in our society by stating that there is nothing wrong and that everything is working properly.

In my opening statement I raised the point that something is fundamentally wrong in the relationship of the police officer with the public. The Solicitor General, it seems, since I raised the particular concern, has been adamantly opposed to the role of the police officer to educate the public. When we get to the Ontario Police College and the kind of training which the police are receiving, then we will easily and clearly see that the only program and training which the college is giving to the police officers is a paramilitary attitude and discipline. That's what the Solicitor General wants from the police officers. That's why they lack understanding when they approach the public.

We raised, as I'm sure the hon. member for York Centre also has been raising, the concern about racial attacks. The only response of the Solicitor General was that we can solve the problem if we raise the number of constables who are supposed to deal with this particular situation.

I'm sorry to say that the Solicitor General is hard to understand. There is a lack of policies which are supposed to be implemented among the police officers and the police forces of the province of Ontario, and there is something wrong going on at the Ontario Police College. His only response, as I stated before, is that everything is well and they are trying to do their best while members of the public are raising problems and concerns. Next year, I'm sure, we are going to hear from the Solicitor General that they are trying to do their best, instead of

analysing and applying new policies and implementing new guidelines in order that the police forces are going to approach these problems in our society.

There is something on which I am sure the Solicitor General and myself don't agree. Maybe it's a philosophical approach that is completely different from mine and, if he is going to follow that course of positions, then I can justify the kind of words he has been expressing today and in the last few weeks in relation to the police forces as a whole.

Mr. Chairman, if you will allow me, I would like to talk about the Ontario Police College and what is going on there in relation to training courses. It seems that the Solicitor General has been addressing—

Mr. Chairman: I would say to the hon. member that I understand we're just on item 1. If the members wish to carry item 1, you certainly may go ahead, but I believe there is someone else who wishes to speak on item 1.

Mr. Lupusella: Then I would like to conclude my remarks for the moment and I can come back to the point of the Ontario Police College.

[4:15]

Mr. Blundy: Mr. Chairman, I would like to make one specific comment about the discussion that is taking place now under the Ontario Police Commission heading. There have been a lot of comments made about the efficiency of police forces and the public relations of police forces and their work in the community with various groups and so forth.

I would just like to add one thing, that in our riding we have three police forces and all three of them are very well respected and, I believe, very efficient and capable; they are thought very highly of in the community. Also, there is the utmost co-operation between the three police forces in the riding and the OPP and the RCMP. I might add a third thing, Mr. Chairman, that being a border city, as we are, there is also unofficial but very tactful relationship with the police force of neighbouring Port Huron, Michigan, and the sheriff's office in St. Clair county. On many occasions the two police forces have helped one another and this has been seen many times at large public events. We have many American police over to help our Canadian police and vice versa. So we really have in that way a very good relationship between the various forces and the people.

The one thing that I wanted to bring up at this time, Mr. Chairman, was the composition of police commissions. For a number of

years the municipal council—of which I was a member for a number of years—and the other municipalities in my riding, have talked about having a larger police commission, one that is more responsive to the people and to the municipal councils.

As you are aware, the budget of a municipal police force is a very large part of the municipal budget; and there is very little control of that budget and the expenditures of that department by the municipal council. Every year, when the budget sessions of the municipal council are held, the mayor, as a member of the police commission, reports to the council on the various expenses and the various undertakings of the police commission and the police force. But no matter what the municipal council thinks, it always ends up with the council saying, "Well, what's the use of going to the Ontario Police Commission?" The views of the local council and the people who are represented through that local council are seldom taken into sufficient consideration so that any change in the police budget can be made.

We now have one judge, the head of the municipality, and one so-called civilian appointee. This is an improvement to what it was when we had two judges and a head of the municipality, but our council in the municipality of Sarnia has said over the years that it thought it would be much more responsive to the people and to the council, and that expenditures could be looked at more carefully—in light of all the other budget items the municipality has to consider—if there was at least one more member of council on the police commission, and possibly another so-called civilian appointee to the police commission.

This has been the subject of a number of resolutions in the Association of Ontario Mayors and Reeves, when that body existed, and more recently in the municipalities of Ontario. I believe that many of the municipal officials feel the police budget is almost out of their hands and they can't do anything with it. I would like to stress this concern to the Solicitor General, because it is one that has been expressed by many people. You can ask any person who has been involved for any length of time in municipal life, and who has been both a member of the police commission and a member of a municipal council, as I have for eight years. It's very difficult to be able to get the council to get their teeth into the budget and to make any significant changes in the budget.

I would like very much to have the Solicitor General give this House his views on the existing composition of the police com-

mission and the possibility that there might be a wider segment of the people represented on the local police commissions. Thank you, Mr. Chairman.

Mr. Lawlor: His answer is it is the best of all possible worlds and everything in it is a necessary evil.

Hon. Mr. MacBeth: Mr. Chairman, I'd like to make a philosophical comment on the words of the member for Lakeshore that here in Ontario at least it is not all that bad.

Mr. Lawlor: It is as close to paradise as you think you will probably ever come.

Hon. Mr. MacBeth: It certainly is as close to paradise as the present government can make it, and I don't think any other party would do any better.

Mr. Warner: That only proves your limited vision.

Mr. Stong: You have to give us a try.

Hon. Mr. MacBeth: Dealing with this matter of police commissions—

Mr. Lawlor: I am going to send you a copy of Voltaire's "Candide."

Hon. Mr. MacBeth: I read that once; I read it in French, too. I wouldn't want to try to do it today.

Mr. Lawlor: It didn't get through. You'd have to have the earthquake at Lisbon to move you.

Hon. Mr. MacBeth: As I said before, Mr. Chairman, I hope to introduce in two weeks' time an amendment to the Police Act, which will deal in part with the composition of police commissions. I don't see us adding to those commissions for the ordinary police force. The suggestion of the hon. member for Sarnia that perhaps we should have five-man commissions instead of three wouldn't bother me, but I just don't think the volume of business warrants it. I don't see any great problem with that, if this House decided we should have five-member commissions, but I do think the three-member commissions have been working very well and that's what the Act will propose.

As far as the onus of proof is concerned for budgetary expenses, this has been raised in the past and the bill does propose that the onus be shifted. In other words, at the present time the police commission proposes the budget to the municipal council and if the municipal council doesn't like that budget it has to appeal it to the Ontario Police Commission. The proposal we will have is that if the council doesn't like it, it will be able to say what kind of budget it thinks the commission should have and then the

commission would have to appeal it to the OPC.

Being aware of the financial responsibility that the council has, that is what our Act proposes. Whether that will make any difference or not, I don't know. I noticed just recently that the Metro Toronto commission has decided it has to put a check on some of its expenditures to the point of holding down the strength of the force. I don't deny these things are political decisions in part, but at the same time, tradition has been that we regard policing as such a serious matter and that there is a provincial responsibility for uniformity and strength—that is, success of policing—so that the police commissions should have that say rather than the councils being able to cut the commissions down unreasonably.

I think it's worth a try. Councils are responsible. After all, probably the councils and the political arm are more responsive to public—

Mr. Haggerty: Why doesn't the minister absorb more of the cost of policing then?

Hon. Mr. MacBeth: It's a case of financing again.

Mr. Haggerty: You want to run the show.

Hon. Mr. MacBeth: No, we're not beginning to pay all of the costs, as you know.

Mr. Haggerty: You're far from it.

Hon. Mr. MacBeth: We contribute \$10 per head in the municipality of the member for Sarnia for the costing of the police, but that's depending on what the budget is, of course. It may be a large part or a small part, but we're certainly not paying the major share in policing. We do feel there should be uniformity of effectiveness across the province and that is why the onus has been on the council to say that this is unreasonable or unfair. This bill will suggest the transfer of that. So we are taking some of the suggestions that the hon. member for Sarnia is making.

One of the big problems we have in the area of the member for Sarnia—and we will be able to get that straightened out one of these days—is the policing of the St. Clair River. We hope to have conferences of all three levels. That is one of the matters I want to discuss with the RCMP in the spirit of co-operation that we have.

Mr. Young: Mr. Chairman, the member for York Centre raised a question a while ago which set my mind thinking along a certain line which we investigated during our recent sessions of the Select Committee on Highway Safety.

My feeling was, as he related that incident, that perhaps the police, while they perhaps should have been more courteous than they were, had a real interest in preventing an accident that might have occurred. It seems to me that here is an emphasis that we sometimes forget, that the police job is not only to apprehend criminal activity and to stop it, but also, as far as traffic is concerned, to prevent an accident which can occur.

Along this line, the matter was brought to our attention that too often people look upon the police force as simply one to catch the offender, forgetting that his job is also to prevent accidents occurring. In this instance, perhaps that's something the police were thinking about and that should have its emphasis.

In the whole field of enforcement and prevention, it was brought to the attention of the committee that in the overall picture in Ontario breathalysers were not being taken as seriously as they might by the authority in charge, that we were, in effect, about 100-plus breathalysers short of an adequate supply for enforcement in the province of Ontario. That's number one. I wonder whether the minister has something here in his budget which is going to look after that. The \$70,000 which is supplies and equipment listed here would hardly face up to that particular problem.

The second one which is far more important here is the use of the ALERT device, which, of course, is now being used in his own riding in connection with the RIDE program in Etobicoke, a device which I think promises a great deal for the future in the way of prevention of accidents. As in the case mentioned here, the person did not have the 0.08, but he might have been above the 0.05 which is the danger point where he becomes careless on the highway. The ALERT device will show the policeman whether that person is somewhere between the 0.05 and the 0.1 where convictions actually do take place.

In that case, we are hoping, as a committee, that we might have the kind of activity and the kind of legislation and the back-up of the police commission that would say to that policeman: "Use the ALERT and if that person is showing a blood alcohol content between 0.05 and 0.1, then he can be ruled off the road for 24 hours." That way, we'd prevent a great many accidents which do occur at that level, before the person is actually subject to conviction but where he's dangerous as far as driving is concerned.

I'm wondering if the minister has any plans for more extensive use of the ALERT device in Ontario. Certainly, I suppose, we're watching the Etobicoke experiment with a great deal of interest and perhaps that will have some bearing on it. The ALERT device, of course, is the first generation device along this line. I did read where the Japanese are putting out a device which is perhaps not as efficient as this but which is much more reasonable in price. Certainly a great deal of research is now taking place around the world in this field, where we will get more sophisticated equipment, where the policeman can have it in his hand and he can test the person right there and then on the highway and find out whether he's in a dangerous position or not.

It just seems to me that the important thing here, in this whole field which the member for York Centre has raised, is the question of prevention of accidents, and the whole emphasis here ought to be on giving the police forces some power of cutting down on the accidents that might occur at the level before 0.08 or 0.1 where conviction does take place.

[4:30]

In addition to that, of course, there's a whole matter of Fuzzbusters, on which the minister did express an opinion recently. This is not, perhaps, directly within this vote, but I bring it to the attention of the minister that this is a device for breaking the law with impunity. Can he say whether there are plans for abandoning that Fuzzbuster as we have recommended in our committee in the near future?

These are observations, Mr. Chairman, on which I would appreciate an answer from the minister.

Hon. Mr. MacBeth: Thank you, Mr. Chairman. I know the keen interest of the member for Yorkview in the matter of safety. I appreciate his addition of those words to what I was saying to the member for York Centre about the possibility of taking people off the road even though they were not sufficiently impaired to lay a charge against them, I support that.

The member for Yorkview attended the launching of the RIDE program in Etobicoke. He may recall that at that time I mentioned the need for safety on our highways, and indicated that if we wanted it, people would have to be less cognizant of their rights and more cognizant of their responsibilities. I think this is what we're getting into in this matter. People say: "The police had no right to arrest me because I

could pass that test." I think we should recognize our responsibilities more and say, "I should not have been driving under those marginal conditions and the police were quite proper in suggesting that I get home by some other means than my own car."

I must admit, when I made that statement about being less cognizant of rights and more cognizant of responsibilities, I received some criticism for that. They thought I was trying to lessen people's rights in some way or another. I stand behind what I said. If we are to have safe highways, I don't think it's a case of exercising our rights so much as it is trying to recognize our responsibilities for driving carefully. Certainly, the member for Yorkview has stressed that point and I welcome it.

The OPP do not have breathalysers. I'm thinking of the two types. The ALERT is made for roadside testing and is not recognized in court as the official test. The official test is given by breathalysers placed strategically across the province in many municipal stations and in all but 100 of the OPP detachments. It would be nice to have breathalysers in all detachments across the province and that is our aim.

Our delay is not, however, simply in the obtaining of equipment but also in the training of these breathalyser people. You need about three people to a detachment who are qualified. To become a qualified tester you must take a course that is given in our forensic laboratory or in our forensic building. It's about a five-day course, so it means that we must bring the people down here from the various detachments across the province, give them that five-day course, which means that they're out of action, and then send them back again. So it's not just the cost of the equipment, but more particularly the training of three personnel in each of the detachments. We're proceeding as quickly as we can and updating the people, but it's something that perhaps we should be carrying out more quickly than we are doing. We'll put emphasis on it.

It's interesting to note, though, in connection with the RIDE program that we mentioned a short time ago, I understand there have been only 46 charges of impaired driving laid to date out of many thousands of people stopped and tested. Maybe most of our citizens are fairly responsible in their driving habits when it comes to drinking and driving.

On the ALERT device, the one that is used for roadside testing, I think they are now on the Mark II or revised model of it. We are waiting for that model to be cleared

by Ottawa, they are the ones in charge. That's under the Criminal Code, as you know. They are also the ones who cleared the ALERT device. I think they serve a useful purpose, more psychological than actual, because if the person fails that test at the roadside he still has to be taken to the detachment or the other headquarters for the test that the courts recognize.

It increases police work in the sense that they are giving them a roadside test and then the subsequent test. On the other hand, some people whom they may suspect of being above the limit are now not taken to the station because they have taken the test at the side of the road and go on their way again. Maybe it has a detrimental effect in that way in that if they had to go into the station at least they would be off the road for that much longer.

However, it comes back to what we were talking about earlier. I believe the ALERT device is a good one and that we should have more of them. As soon as they are cleared by Ottawa I am sure more police forces, the OPP included, will be making greater use of them.

On radar detection devices, I said some time ago, and I still have cabinet approval for it, that I would be introducing an amendment to the Highway Traffic Act to outlaw this sort of device. It is one of those items that I also want to discuss with the two opposition critics. If we have sufficient support, we will be proceeding with it. If we don't have sufficient support from the opposition parties, I probably won't be introducing it. As soon as the estimates are out of the way that is one item I want clearance on from the opposition parties.

Mr. Young: Following the answer of the minister, certainly what he says is true about the present use of the ALERT device. It does mean the duplication of work, because the person who is breathing above a certain level must go then to get his breathalyser test. I think the feeling of many of us is that an amendment to the legislation would mean that the policeman has the right, at the roadside, simply to ban that person from driving for 24 hours if his breath tests too high.

That does mean legislation. It does mean some invasion of civil rights, or so many people have said in this respect; but I don't think it does. It simply means that person, if he feels that the device is not accurate, would still have the right to go and take a breathalyser test if he wanted to, if he felt that the ALERT was wrong. Also it means that I, as another person on the road who may not have been drinking and driving, have a right to travel that highway with the assurance that nobody is driving towards me who is an un-

safe driver. From that point of view, the matter of civil rights has to be balanced off. I am just wondering whether the minister has any plans at all of making this kind of change in the legislation so that the ALERT machine can be more effectively used.

Hon. Mr. MacBeth: We have no definite plans, but certainly it is under consideration. That's why the experiments that are presently going on or the pilot projects will be watched carefully. The report of the select committee will be taken into account, all of those recommendations, at some time. From there we will be either proceeding with it or not. But no decision has been made whether we will do what the hon. member is suggesting. It will be weighed after all the reports are in.

Mr. Warner: I will be as quick as possible. Earlier when we were on this vote, when we just got started, the minister read a letter pertaining to reports of racial violence in the media. I didn't catch the author of that letter. I am wondering if he still has the letter there in front of him.

Hon. Mr. MacBeth: Is that the report I was reading when I quoted the article in the Star, et cetera? That was from our own police liaison co-ordinator, W. A. Smith, an inspector with the OPP who is stationed in my ministry, who makes inquiries from the various forces, including the OPP. He does just that—liaise.

Mr. Warner: Yes, I am wondering, in the light of that kind of report which the minister has, juxtaposed against the reports we have had in the newspaper, probably some of the reports from community relations officers and certainly reports from other people, including the committee that was set up to investigate racial violence, if all of that suggests to the minister that we really have to have a citizens' complaint bureau in Metro Toronto and perhaps elsewhere to deal with this kind of situation?

On the one hand you have a report from the police officers, then you have other reports that are at odds with that. I was quite astonished when I sat and listened to it. There may be some truth in there, but I just can't accept at face value what that report says because my experience tells me otherwise—the experience of constituents coming into my office. When I go and witness the damage that has been done to their homes, to their automobiles, to their families and that there has not been any real follow-up in apprehending the people involved, then I am a little suspicious of that report you have.

I am wondering, though, if all of this says to the minister that perhaps the best way to handle this is by setting up the citizens' complaint bureau that I thought we were going to get a couple of years ago and for some reason was held back.

Hon. Mr. MacBeth: I don't want anything that I may have said here or in the last few days to be taken that I minimize the problem of racial violence in the province. All I have said is that by the time we have racial violence it is too late to call the attention of the police to it or to try and have the police correct a sick society. The problem is in our homes, and in our schools, and in our work places, where we as private citizens can let this kind of prejudice fester.

To ask the police, as the hon. member for Dovercourt seems to be doing, to be the solution and to be the educators against this sort of thing I think is unreasonable. That's all I am saying in this regard. I am not denying that it exists. I am not denying that everything should be done to get rid of it. But I am saying that the problem is prior to when the police come onto the scene. They are probably doing as much as anybody to rid our society of this. But it is not a problem of their making and to charge them with that kind of responsibility seems to me most unfair and not getting to the source of the problem, but trying to deal with it in some after-the-fact manner.

Yes, citizens' complaint bureaus I think will go a long way toward establishing a proper channel for dealing with citizens complaints so that they may be properly aired.

You suggested that something in this article from our own Inspector Smith was inconsistent or at odds. I didn't find it that way. I don't know if you want to give me a specific reference where you thought it was at odds. I think he was simply saying that the police are doing what they can. He was pointing out some very realistic problems that didn't have anything to do with racial matters at all, but also that there were some problems because of it.

But I really don't see anything very much at odds with what you are saying or what I was saying.

Mr. Warner: When do we get the citizens' complaint bureau?

Hon. Mr. MacBeth: With the amendments to the Police Act.

Mr. Warner: And that's in this session?

Hon. Mr. MacBeth: I expect so.

Mr. Warner: I have two other specific questions.

Earlier in responding, you mentioned that out of 24 periods spent in training, two were related to what I would call some learning about cultural, religious or sociological background. Can you give me the amount of time those two periods represent out of the total?

Hon. Mr. MacBeth: I don't know whether they were 40-minute or 60-minute periods. But we will have somebody here in the next vote when we deal with the Aylmer college who can give us that specific information. But 24 periods of public relations—no I can't. I can't tell you the percentage of time that represents, but we should have that when we get to the next vote.

[4:45]

Mr. Warner: That's pretty alarming, obviously. We can get to that later.

I have two other specific questions and one is related to hiring practices. I have had a letter from the police commission. I was a little disturbed and I'd like some response from the minister. Apparently, when someone applies for a job as a police officer, if he or she is not successful there is no reason given. The police forces are not obligated to give a reason for not hiring the person. But further than that, apparently they also share the information among themselves, one police force to another.

The particular instance I had was that the person had approached one police force on a Friday and was turned down with no reason given. He then approached another police force on a Monday and was turned down again. The only way I think that it could have been accomplished was if one force was sharing the information with another.

I wrote to the police commission. The letter is up in my file but the essence of it was that, first, the police forces are not obligated to give a person a reason for turning them down. Secondly, they don't necessarily share information between forces but that information can be made available. Those, to me, would seem to be questionable practices. If someone is seeking a job and is turned down, surely they should know why.

Perhaps it's some reason which they can do something about. Once you get past the basic obligations of height and weight and eyesight and so on, if there is some other reason for the person being turned down for the job, they should know what it is so they can try to correct those faults.

I had two constituency cases, both in this vein, and in both cases those people really

wanted to be police officers. But they just weren't given any reasons.

The last question is that the Robarts report again brings up—and this is in line with an earlier question—that the police commission should really be coming under more direct political control than they are at present. The citizens should know where to go with their complaints and they should know who it is that's running the show.

The police commissions are a pretty good place to hide behind; put the politicians out in the front line a little more. It's perhaps immaterial how you go about that in Metro Toronto, whether you want to make a board of control responsible or a particular alderman or whatever. It doesn't really matter, so long as you have some direct political control over that. When there are problems with it, as we have experienced in Metro Toronto unfortunately, and quite a few of them, and I don't think they should be minimized—the Morand report, for example, brought them out into the open pretty well—there should be a direct avenue to get at those problems and get them solved.

So I'd like to know when we're going to see that accomplished, so that those commissions are under more direct political control. Let's stop the handing out commission places, but let's have them more out in the open for the citizens to get at that.

Hon. Mr. MacBeth: The Metropolitan Toronto Act governs the composition of the Metropolitan Toronto Police Commission. The Treasurer (Mr. McKeough) probably will be the one to bring in amendments to that Act arising out of the Robarts report, and I don't know when that will happen. You might ask the Treasurer about that.

I do believe we'll get into discussions about this matter of more direct political responsibility for police commissions when we deal with the Police Act. Probably whatever policies we decide at that time will be reflected in any amendments that may be brought into the Metropolitan Toronto Act. I do not know why it would be that he would apply some place on Friday and go to another place on Monday and be turned down, other than it may be that they simply were not hiring. That of course is one possibility. I would have to look into the particular circumstances. A lot of the forces at the present time are not doing any active recruiting so maybe it did not take long to get it turned down.

Each force determines its own requirements. Some of them have been pretty adamant in setting out physical requirements. It

may be that the person did not meet the physical requirements in either force. I think they generally tell them if that is the reason for the turn-down. However, the turn-down may be on the basis of an intelligence test, it might be on the basis of a psychology test. I am not sure that it is always to the advantage of a person's self-esteem to be told why they were turned down, particularly if they were turned down on the basis of an intelligence test.

Certainly when people are taken on as police officers there is some investigation into their background. They want to make sure that they themselves don't have connection with the criminal element. They want to know that they have got a good reputation. They are suggesting that we should have, and rightfully so, higher standards for police officers and so generally speaking, I support these higher standards when it comes to their mental qualifications and, more particularly, their attitudes.

And yet it is a little hard to turn somebody down on the basis of an attitude. If we have to turn somebody down on the basis that we thought that they might be rough on prisoners, or that they did not have, in our opinion, the correct psychological makeup to be policemen, it is pretty tough to justify that to a person.

In one sense you are telling us to be more strict with those whom we employ, and then in the next breath you are telling us be quite open and tell them why we are turning them down. As I say, those are matters of judgement and sometimes it is hard to substantiate those judgements with opinions which are acceptable to the applicant. In other words, if I said, "You would not make a good policeman because of your attitude," I am sure that you would be the first one to challenge that statement.

So I am not so sure that we want to open ourselves to telling them on all occasions why they have been turned down. In your particular case, if you wish to give me information on it I will be glad to follow it up.

Mr. Haggerty: I would like to direct two questions to the minister. One relates to the matter of police costs to the municipalities in the province.

In the light of the present constraints that are applying to municipal budgets through the Treasury of the province of Ontario, is the minister prepared, at this time, to provide additional assistance to municipal police forces? It is a matter now where municipalities have little control over the matter of the police budget and sometimes they may

seem to be out of hand. The question is, where does the money come from? Does it go back to the local taxpayer, who has to bear the largest percentage of the cost?

While the constraints are there—I think it is eight per cent that is applied to municipalities—perhaps when the AIB guidelines are lifted next year, when contracts are being renewed and so forth, when these matters could be getting out of hand again as it relates to the police costs, is the minister prepared to provide additional assistance to municipalities for the per-capita rate costs for policing?

The other matter is related to the compulsory retirement age for policemen and firemen. Has the minister actually brought in any guidelines relating to the matter of retirement ages? Is it going to 60 or 65? There is some question about a decision brought down by the Ontario Human Rights Commission relating to the matter of early retirement at the age of 60. Are you prepared to bring in legislation that defines that particular area of retirement?

Hon. Mr. MacBeth: I do not foresee any immediate increase to municipalities for police grants. I do have some figures that may be of interest to the hon. member for Erie. In each year, there shall be paid to each regional municipality, a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows: \$15 per capita where regional municipality is deemed to be a city for the purpose of the Police Act; \$10 per capita based on the population of each area municipality providing its own law enforcement by retaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police force in accordance with the Police Act.

So roughly speaking it's \$15 for a regional municipality per capita and \$10 for the other. However, more pertinent to the question you asked, indicated below is the increase in per capita grants from 1972. The regional payment in 1972 was \$3.25 and that has gradually increased to \$15 in 1977. The area payment, where the police force is non-regional, was \$1.75 per capita in 1972 and has increased to \$10.

I do not have concise figures as to increased costs for the police forces to municipalities. I do have a breakdown of what the various municipalities have paid. But I do not believe that their costs have increased at a greater rate than our grants to them.

I think our grants have increased more than their costs.

Do we have that information? It's just for last year is it? I'll send this across to the hon. member and he can take a look at it.

But with our budget restraints, I cannot see that we'll be increasing those grants in the near future.

Mr. Haggerty: The reason I asked the question of the minister is because the OPP are withdrawing their services from the village of Crystal Beach. I think it had a complement of 17 OPP officers. I don't know whether the population for Niagara region includes summer residents or not. I know that the town of Fort Erie experiences an increase in population from about 23,000 to an estimated 40,000 in the summer months. Is there any special consideration given to that municipality to borrow some of the cost of these additional summer residents moving into the community?

Hon. Mr. MacBeth: Not that I know of. As a regional municipality, they're getting \$5 per capita more than the others and the region will be bearing the cost of policing that area. That's where Fort Erie and Crystal Beach have the advantage; the region will bear the additional cost for summer residents.

At the same time however, we've got to consider the advantages of the tourist industry. As you know, areas like Niagara Falls, Niagara-on-the-Lake and Fort Erie, as well as Crystal Beach, get a great deal of their revenue from the summer influx of tourists. The extra they spend on policing probably is not out of line with the dollars that these people bring with them.

Mr. Haggerty: The minister did not reply to my second question related to the matter of early retirement.

Hon. Mr. MacBeth: I don't recall it as being a major issue with the police. It has certainly been a major issue with the fire services across the province. Most of the fire services have union contracts with their various associations calling for retirement at 60 years of age. We have come to a difference of opinion with the Human Rights Commission which believes that it's an infraction of a person's individual rights—that we should not be able to force someone to retire at 60. The ministry feels that is a reasonable term in the contract and supports the retirement under contract, or by agreement, between the fire association and their respective municipalities. We support the 60-year forced retirement.

[5:00]

The Human Rights Commission has said otherwise. The last judgement of Mr. Justice

Hughes supported the firemen and their contract position regarding forced retirement at 60. That case was going to be appealed and I think notice was served by the Human Rights people. Informally, I have expressed to members of that commission my ministry's position. However, they are appealing the judgement and we will have to have the outcome of that appeal before we decide what legislation we may introduce.

The judicial process should be exhausted with regard to the clause before we change the law.

Mr. Bradley: Along the line of the member for Erie; look at your figures of \$15 per capita in regions, and \$10 per capita in area municipalities outside of regions. Do they not indicate to you, that the costs of having regional police forces across the province—I'm speaking specifically of Niagara now because I represent a constituency within the Niagara region—are far greater than previously—both to the region and to those municipalities outside of the region? Does it not seem reasonable that instead of establishing large regional police forces in a place like Niagara, the provincial police continue their operations within the region and allow the urban municipalities the use of a regional police force?

Hon. Mr. MacBeth: I don't want to say a blank "no" to that. We're still pretty early in our assessment of how the regional forces are going. Certainly the cost of regional forces in Metropolitan Toronto is much greater than costs were under the old setup of 13 municipal forces. But I wouldn't want to see us dealing with the sophisticated crime problems we have in Metropolitan Toronto, organized crime in particular, with 13 different forces.

Regional forces generally bring with them more sophisticated equipment. It means perhaps, more radios, and we have special grants for radio communications. It probably means more automobiles and that type of thing.

Mr. Bradley: That's for sure.

Hon. Mr. MacBeth: The costs do go up—

Mr. Blundy: An indictment of regional government.

Hon. Mr. MacBeth: —but we expect the calibre of policing and success in dealing with crime will also increase. Some of the regional takeovers are fairly recent. This takeover is being completed in Niagara now. We are in the final stages in Durham and Peel. The Kitchener-Waterloo takeover occurred some time ago and it seems to be working out pretty well.

The per capita cost, as I have it here, in the Niagara region is \$37.63, although they vary by region. That's actually one of the lower ones. Durham region is \$37.09.

Mr. Haggerty: Look at the assessment.

Hon. Mr. MacBeth: Haldimand-Norfolk is \$58.82, which may be of some interest to you. Hamilton-Wentworth is \$45.09. So your costs are considerably less than Hamilton-Wentworth's.

Mr. Blundy: Yes, but compare those with one single municipality.

Hon. Mr. MacBeth: York region is \$38.11. I don't know how your Niagara region assessment compares with these, but your police costs are not out of line. But I agree that you can't look just at costs without looking at assessment as well.

London city is \$37.80. You're about comparable to the city of London. I don't know how your assessment compares with London.

Mr. Haggerty: The assessment is about \$150 million more than what the city of London is. The population is about 100,000 more.

Hon. Mr. MacBeth: No, it doesn't affect the per capita cost; there's a greater assessment to spread it over, so that if your per capita cost, where the assessment is large—

Mr. Haggerty: It should be less.

Hon. Mr. MacBeth: Yes. However, your per capita costs in the Niagara region are not that out of line. They're among some of the lower ones. When we look at the city of London, of course, it's not a regional municipality and I believe that it only receives the \$10.

Mr. Bradley: Following along in a similar vein and looking at the potential costs—you looked at costs and you pointed out that the takeover by the regional police is very recent and has been, to a certain extent, gradual. What people in my area would be concerned about is the administrative costs that will come out of this—the number of promotions that we'll have because we have more members of the regional police force, for instance and the extra administration that will result from the region taking over from the OPP. This is a kind of concern as well, and I'm sure that you're aware of it.

It's a compliment to the Ontario Provincial Police that residents in the rural areas are very, very satisfied with the calibre of policing in those areas by the OPP and, indeed, we're very reluctant to see them go. I express that concern for the future in the takeover and the ultimate buildup of administration which I think is going to result along with pro-

motions and things of that nature. So, certainly, it will be worth while and, no doubt, your ministry will be keeping an eye on this to see what the costs are.

I could also mention a third situation which would cause some concern in my municipality. That would be the fact that there was a possibility that some of the police who would normally be servicing the urban areas such as the city of St. Catharines which is the largest urban area in the region, we would be concerned that some of the police might have to be ordered into rural areas in order that they might cover a larger area. Therefore, the level of policing in the city of St. Catharines might decline. I realize that in absolute numbers it probably won't, but otherwise, we might be able to have more police at our disposal where the crime rate might be anticipated to be greater.

Hon. Mr. MacBeth: I recognize those possibilities and we'll be keeping our eye on them.

Mr. Swart: I would just like to pursue the figures which have been presented by the Solicitor General a little further, and point out the situation in the Niagara region is not comparable what it is in Toronto in many respects.

First of all, it's not a continuous urban area and, secondly, because they are much smaller communities and because it is sort of a pure area, I think the member for St. Catharines would agree, we don't have the same degree of crime.

However, I would like to ask the minister if those figures which he produced, the per capita costs, are the figures which were projected for the 1977 fiscal year of the Niagara region, whether they were the 1976 figures, or whether in fact they are the projections of the full policing of the region by the regional police. That has only recently taken place as you've stated. If you're using either 1976 or 1977 figures, it's not an accurate comparison with any other place.

I might just add that there is a rather strong feeling in the Niagara region, a feeling which I share, that the policing is not as good under a regional force covering the whole peninsula as it was, generally, when they had the local police forces. Also, there is certainly a very justified strong feeling that there is not the sort of local accountability to the population in a municipality. The police force has become very distant from the people at the present time and I don't think that this enhances the operation of the police.

Hon. Mr. MacBeth: To answer the member for Welland-Thorold, the figures we gave were for 1976. They are the last year for which we have complete figures, but of course 1976 was the year for the comparison figures for the other municipalities.

Mr. Swart: Most of the municipalities you quoted were totally policed, whereas vast areas of the Niagara region were still then policed by the provincial police. They have had to take on a great number of additional police now that the OPP have gone out and therefore the costs will be a great deal higher so that comparison was not accurate.

Hon. Mr. MacBeth: I recognize that. I think I did give Durham figures as well and Durham is going through the same process as the Niagara region is going through. However, I recognize they possibly don't give an accurate picture in view of the changes that have taken place.

When you bring in regional policing, I suppose some areas get a little less than they had before, but other areas will get considerably more than they had before. It's one of the problems you, of course, get with regionalization—that you try to equalize your services. If we apply that theory across the board the response time for the city of St. Catharines may not be as speedy as it was before regional police, but I would suggest in a good number of areas in the outlying parts of the Niagara region the response time is much faster. Probably the people in St. Catharines would suggest the policing there is not as good as it was. But if you go to the others they might say, "Yes, it is much improved." I think if you give this time to work out you will find regional policing for your municipality is an improvement, but we are keeping a close eye on this matter.

I don't see any other areas at the present time where we are likely to introduce regional policing for some time.

Mr. G. I. Miller: I have a couple of questions. I believe the \$58.82 per capita for Haldimand-Norfolk is one of the highest per capita costs for regional police. Is there any relationship between assessment and the cost of policing or is there any consideration given in providing the grants?

Hon. Mr. MacBeth: I do have some figures here that tie it into \$1,000 of assessment. Haldimand-Norfolk is \$2.29 for \$1,000 of assessment; the Niagara region is \$4.28 for \$1,000 of assessment. Haldimand-Norfolk's cost per capita, however, are \$58.82 and the

Niagara region \$37.63, I have, as I say, many interesting figures here.

The Durham region, which is going through the same changes, its cost is \$3.62 for \$1,000 of assessment, so it's in between Haldimand-Norfolk and Niagara. But its per capita cost is \$37.09, approximately the same as the Niagara region, so they don't appear to be out of line. But these, as I say, are 1976 figures. We will have to wait until the end of the current fiscal year to get some really significant figures as far as the cost of the complete regional policing in Niagara and Durham is concerned.

Mr. G. I. Miller: Is there any thought of cutting back on the assistance from the provincial police? What are the future plans in that regard? Are they going still to maintain the same forces as far as the provincial police are concerned?

[5:15]

Hon. Mr. MacBeth: Oh, no, where the regional police have taken over all we will be doing is maintaining the king's highways in those locations. In other words, we are doing the patrolling of the highways in the regions, as we do in Metropolitan Toronto when we look at Highways 401 and 427, that type of highway, but the regions will be doing all the other policing on their own. Of course, our advisory services under the OPC are available to them. Our grants, which we talked about, are available to them. And in case of emergency the OPP or even other forces are always ready to lend assistance. But their first call for assistance, of course, would be to the OPP.

Mr. G. I. Miller: In your opinion has the co-operation then between the two forces been working quite well? I have had a few complaints about the co-operation between the region and about one covering for the other. Has this ever been brought to your attention?

Hon. Mr. MacBeth: I can't think of any specific incident that has been brought to my attention, but if you have them, let us have them, and we will follow through.

Mr. Chairman: Any further comment on item 1?

Item 1 agreed to.

On item 2, Ontario Police College:

Mr. Lupusella: I think I just finished commenting about the Ontario Police College in my previous statement, but I was dealing with the wrong item.

The Solicitor General has been making comments about the kind of courses which the police officers are receiving at the Ontario

Police College. As we know, the new police college was officially opened on May 6, 1977, in the presence of the Premier, the Solicitor General and government officials. At that time, I don't think I was around. However, it seems that there was a particular concern in the Legislature with reference to police colleges that they were too isolated from the community. I hope the Solicitor General, if other colleges are going to be built, will take into great consideration the isolation in which those colleges exist, far away from the cities and from people.

I think the main problems and the main complaints in relation to attitude and the kinds of roles which the police force is supposed to implement in the province of Ontario, start here at the Ontario Police College.

As I said in my opening statement, the police force in the province of Ontario is poorly trained. I am going to emphasize this particular loophole which presently exists, and I hope the Solicitor General will find ways to close those loopholes. What I would like to see from the Solicitor General is that his ministry provide some kind of leadership so that the kinds of courses, the nature of the courses, and the way the courses are implemented will be dictated by the Solicitor General, with representatives of other groups, in order that the right courses will be selected and the best training technique will be received by the classes.

Let me tell you just for a moment what's happening at the Aylmer college. The probationary constable's course has been extended recently to 15 weeks, with the course divided in two parts. First of all, the length of the course—15 weeks—is something the Solicitor General is supposed to take into great consideration. I don't agree about 15 weeks. I hope the Solicitor General is going to provide us with a breakdown of how those constables use their time.

On reading the annual report, it seems that 25 per cent of their time is spent on physical fitness. I'm not disputing the fact that the constables should be involved in this kind of activity. I want to criticize the prolonged period of time in which they involve themselves in physical activities. If they are going to spend so much time, 25 per cent of their time, on physical activities, I don't know what kind of training they are going to receive from the college. I am going to go through the content of the courses in the course of my presentation.

First of all, I think that the content of the courses should also be criticized in terms of the kind of principles in relation to education and in relation to human behaviour. As I

mentioned in my opening statement, psychology or sociology should be part of those courses. If the Solicitor General will take into consideration my recommendations on the 15 weeks, I don't think spending 25 per cent of their time on physical fitness is going to be really effective.

The other point which I want to raise is that if the constables are going to spend 25 per cent of their time on physical activities, I'm just wondering, when they go back into the police force if they still have the same time to spend on practical physical activity. Therefore, I don't think we should emphasize it too much in those 15 weeks; 25 per cent spent just for that particular activity.

I'm not suggesting that we should completely eliminate this time spent on physical activity. I think we should prolong the period of time which they spend at the Ontario Police College. It seems that a few years ago the period was raised to 15 weeks from 12, and I hope the Solicitor General can correct me if I'm not using the right figures. I think we need more time and I think we need more selection and different kinds of courses, in relation to the content, in order that the police officers will get the most effective use of time spent at the Ontario Police College.

As I stated before, part A, of 10 weeks' duration, has no final examinations but all students try periodic tests and the results are averaged for a final mark. Part B, of five weeks' duration, includes examinations on all subject matter for the complete course.

Talking about the content, the courses in relation to recruit classes consist of criminal law, traffic law, statutes, courts, human relations, search, drugs, first aid, evidence, police procedure, firearms and physical fitness. I hope the Solicitor General, when he replies to my comments, is going to give me the background in terms of philosophy or principles involved in those particular items. I would like to hear from the minister what is the essence of human relations that they are teaching to the police officers.

I would imagine—and I'm just interpreting; I never went through the course and I don't know really what is going on, but I hope that in the human relations course they would emphasize those subjects which I mentioned in my opening statement in relation to psychology and sociology.

The Solicitor General has been reacting—and I think over reacting—to the point where he doesn't see the role of the police officer as an educator in our society. He should not be a doctor; I don't think anyone

has been pretending that an officer should become a doctor as well.

There are contradictions which presently exist in our system. Certain contradictions in the role of the police officer are going to have to be eliminated, as far as I see it with the present scheme. As far as I see it, the role of the police now is just to implement the law. There is nothing which teaches them the human behaviour of the structure of our society in the province of Ontario. That is why I have been raising complaints. For example, when someone is taken to the police cells for drug abuse more consideration should be given to this particular factor because maybe the person is psychologically sick. I think that some kind of understanding in relation to human behaviour should be taken into consideration by the police force.

Physical education is really stressed at the college. I don't want to emphasize again that approximately 25 per cent of the full course has been allotted to foot drill and deportment through arms training, physical fitness, self-defence, swimming, water safety and participation in sports. I have never heard the minister making particular statements about the philosophy of the ministry which involves those particular items, like the use of firearms. Maybe at the college they teach the constables how to shoot. But as to the technicality of when they are supposed to use firearms, I have never understood what the minister's position is all about.

For the year 1977-78, as that's the program we are dealing with, Mr. Chairman, let me tell you what the training and educational committee prepared at the centre for distribution to the period instructors: Evidence; miscellaneous provincial statutes; the Highway Traffic Act; arrest; break and enter investigation; court preparation and conduct; and domestic complaints. I hope the Solicitor General is going to make certain comments in relation to domestic complaints. In other words, in considering the content of those courses, what the college is teaching to the constables is just the bureaucratic implementation of the law, how to present evidence, how to interpret the provincial statutes, the Highway Traffic Act and all of this stuff. I have to get to this point. If the public has a complete and different image about the police force in the province of Ontario, that they are tax collectors and that they penalize people just when they violate the law, I don't think that they are completely wrong.

The Solicitor General is completely rejecting the idea of educating the public. Educating the public doesn't mean that they should not lay charges. I mean they should do that—it's part of their role. But the kind

of approach and the way of implementing the law is something which is bothering people and a lot of complaints have been raised in relation to that.

[5:30]

The full schedule of the courses at the training and development centre will include an orientation course, a techniques of instruction course and in-service training instructors' course as well.

I want to comment on the content. The courses are too short and I hope the Solicitor General is going to do something about it. I don't think that a 15-week period is a reasonable time in which to train the constables, considering that 25 per cent of their time is spent on physical fitness.

I would like to hear the minister talking about policy directions on each program. That's something in which I'm sure a lot of members of this House will be interested.

I want to have an answer about psychology and sociology—I think these are two important items which should be taken into consideration. I'm sure a lot of problems arise in relation to the lack of understanding in the police force when they approach the public.

I think the Solicitor General is supposed to provide such leadership in those programs. I think the Solicitor General should have an impact in relation to policies. I don't know what the position of the government is—if it's leaving those policies in the hands of the Ontario Police College or if the minister has some particular impact in order that those loopholes that are raised from time to time by members of the Legislature and by the public may in the long run be eliminated.

Another thing that is bothering me, Mr. Chairman, is the reason why police leave the force. That is something to which the Solicitor General should address himself.

Statistics from December 31, 1976, show the number of officers leaving the force to be 745. Of this number 99 retired and 24 were dismissed—I would like to know the reason for the dismissals and what the complaints against those policemen were. There were 115 resignations requested. Why were their resignations requested? Seventy-one joined another force; that is a normal routine. Forty-two were dissatisfied—I would like to have an explanation of that—and 369 had other reasons—that's an item to which I would like the minister to address himself; really give us a reasonable explanation of why 369 officers leave the force for "other reasons." I don't want to make any comment in relation to the deceased police officers.

The reason why I am raising this particular problem is because of the cost of training. I

think the Solicitor General should get involved in that particular factor—why so many officers are leaving the force. Police force costs are becoming astronomical. The total cost annually is around \$500 million, and I think the Solicitor General should find out reasons and causes and how those problems can be eliminated as well.

The Solicitor General has been raising the issue that the morale of the police officer is primarily good. That's a simplistic answer to say that the police officers are fine while there is a high number of officers leaving the force.

Constable training is very well emphasized on the background information which the Solicitor General sent to us: "The cost of training per student-week rose to \$156.72, based on the number of student-weeks for 1976 and an estimated \$2,885,000 expenditure for the fiscal year 1976-77. This increase is partially due to increased costs associated with the new buildings, inflation and a build-up of a second staff in the fall of 1976 to prepare for implementation of the new probationary constable training program which was introduced January 4, 1977.

"However"—and I'm quoting from the background information—"it was also increased by about \$27 per student-week due to a drop of about 4,000 student-weeks from the work load of 1975." I would like to have an explanation of those figures, especially in relation to the drop of about 4,000 student-weeks from the work load of 1975.

The cost is rising, it is becoming astronomical, and I think that the Solicitor General should consider the whole issue of why so many constables and so many officers are leaving the force. That's why I'm going to address myself to the phenomenon which might take place, that some officers are going to be laid off. I think the Solicitor General should be particularly concerned about those officers because in the long run we might need those officers again and we have to spend more money to retrain them—money which can be saved.

I raised this particular problem in my opening statement. It's a situation which the Solicitor General should face and I hope that he's going to convince the cabinet that inaction on this is going to be detrimental in relation to the amount of money which is required again in the long run to retrain those officers. That's a simple principle which the Solicitor General should take into great consideration.

Hon. Mr. MacBeth: The member for Dovercourt dealt with a number of items,

some which are in this vote and some of which were in the previous vote. I will try to make some comments in regard to them.

I think his first question was directed to the isolation of Aylmer. That can have some good things attached to it and it can have some bad things attached to it. Generally, when these students come to us we want them to have their mind on their work. We don't want them to be running around to the nearest town for relaxation of one sort or another. I would suggest that the fact that Aylmer is not close to a large city probably helps the students in their attitude. It allows them to concentrate on the program that's there. It keeps them living as a unit in that they spend most of their evening time with one another.

Apart from the fact that some of the students might like to be closer to the bright lights, in the interests of the policing of this province and in carrying out the concerns that you express—namely, education—Aylmer is in a pretty good location for that. When you make any decision, you can always cite the reasons why the decision should have been otherwise. The decision was made years ago to place Aylmer there. It was an old air-force base. That's why it was originally selected. Accommodation was available.

I think we've had good reason for carrying on the college at that location. It is not that expensive to reach. It is fairly central as far as the large municipalities of this province are concerned and it has the advantage of having the students concentrate on their work rather than on activities away from the college.

I would like to see these courses much longer than they are. I would like to see policemen able to get all of the extensive courses that my friend from Dovercourt is suggesting they should have. It's fine for opposition members to want all of the good things of life, and that is what they're there for, to urge that we should have them, but then in the next breath they criticize us for the cost of policing.

Some of the costs for sending these people to college are borne by the municipalities that send them there. They have to pay their salaries when they're away. Most municipalities do not want to forego the services of these policemen for long periods of time. You can say: "Why don't we pick up the cost?" The province can't pick up the cost of all of these things without raising our taxes some place or having the deficit budgeting which we have been hearing from the other side of the House. It's a case of trying to get the most

value you can for the money that's spent. And that's exactly what we're doing. We try to pack as much into these courses as possible.

I gather from my friend's remark he would like to see us deal a little more in such subjects as psychology and human relations. We do spend, as I say, some time on just those matters. I understand the two subjects are scattered throughout the 15 weeks of training period. Overall about three hours are spent specifically on racial discrimination and minority groups. You can say three hours is not sufficient. That is three hours on those two subjects specifically, but all the way through the course stress is laid on the personal aspects of policing, the fact that they're dealing with people, the fact that they're dealing with people of a variety of races and racial backgrounds and that they must use a psychological approach to very many of them. That stress is carried throughout the course but specifically for three hours on those subjects.

The course was proposed by a study group and supervised by a committee of the advisory committee. Human relations are dealt with—human behaviour, prejudice, minority groups and interpersonal relations. It's stressed by all of the instructors throughout the entire course. I don't know what more we can do.

[5:45]

You're suggesting that we should spend less time on physical fitness. Physical fitness includes the matter of drill, small arms training, swimming and water safety, as you read from the prospectus of the course, the college calendar. Policing is a very physical job. I don't know how we can change it. It would be nice to think that you could deal with people purely on a mental basis, but a great deal of policing is physical.

You probably saw the combination of psychology and physical policing working on Saturday night at that hostage situation. Certainly, the physical powers were there to back up policing—and I don't think any of the citizens of this city would want us to be without that kind of muscle—yet at the same time the fact that people were released from that very trying situation without loss of life and with very little injury was probably because of the great deal of psychology that many members of our police force have, including Chief Harold Adamson of the Metropolitan Toronto police and many of his officers.

So when you say psychology, if you have ever seen psychology at work, I think you have seen it in the two Toronto situations, one last spring and the one last Saturday night. We do place emphasis on it and to us

it is very important, but I am not, at the same time, for reducing the amount of physical training that our policemen have.

Mr. Lupusella: I am saying extend the period of time.

Hon. Mr. MacBeth: All right. I don't know exactly what you are saying to me. At one point you are saying that I am not in favour of police education in this field. I don't know how you got that idea. I am very much in favour of the police doing some education, but I am saying that the real onus for education of the public is much earlier than that, and I don't like you suggesting that I am not in favour of the police carrying out educational programs in human relations. I certainly didn't say that at all, and if you would listen to what is said instead of paying so much attention to your notes there, you might get the message that I am trying to give to you.

Mr. Lupusella: Can the minister explain how the policeman is carrying out this particular duty of educating the public, because I didn't understand the message then? Would you please explain in more practical terms what the police officers are doing in our society to educate the public?

Hon. Mr. MacBeth: I would suggest that my good friend speak to the member for York South (Mr. MacDonald) or to the member for High Park (Mr. Ziemba), and he will know some of the actions that the police, of this city at least, took in regard to trying to deal on a day-by-day basis with these racial problems. They know and they have been co-operating with the police rather than being critical of the police.

There are many police officers across this province who deal in public relations, who attend various public bodies, the meetings of service clubs, et cetera, and give lectures on just this thing. What I have been taking exception to is you blaming the police for some of the bad racial—

Mr. Lupusella: No, I am blaming you for policy directions. The responsibility is on your ministry. I am not accusing the police.

Hon. Mr. MacBeth: All right, you think they should be spending more time on training and they should be the ones who are doing all of this training. Probably the police of this province have more active training in human relations and racial discrimination than any other group, and I am saying to you it's too late when the police have to get into the act. This should be done much earlier instead of expecting the police to handle all of this. The police are doing it and I am in favour of them doing it, but there's a limit to how much education the police can do.

They have thousands of other duties besides spreading good will amongst the various races of this province, so let them do it, and I hope they will continue, but there's a limit to how much emphasis they can place on it. You were reading some of the responsibilities that police have in the calendar. It goes on to many other things, such as enforcing the liquor Acts of this province and, of course, the Criminal Code—and most people in this province still look on the police as the enforcers of the Criminal Code.

Let them stop one of you for a breach of the Highway Traffic Act, which takes a considerable amount of their time too, and the first question you ask him is why he's not going around spreading good will amongst the races. You will ask him why he's not out catching robbers. In the eyes of the public the policeman's main job is still to maintain law and order, and I think they are doing a pretty good job on that.

You have asked why there is the drop in the work load at Aylmer. Again, it gets to the matter of cost. I understand that some of the municipal forces, and probably Metro Toronto in particular because of the entrance of the two-man car system in that year, were not free to send as many people down to Aylmer as they had originally hoped and planned to do. Again it is a matter of costs, it is a matter of whether the policemen are required more back home or in the college.

We hope gradually to extend operations at the college within the economic means that we have at our disposal.

Mr. Lupusella: First of all, in relation to the 25 per cent of physical activities which are taking place at the college, with the present scheme of 15 weeks, it is my belief that 25 per cent is too much of their time. If you want to keep a plan for physical fitness, let's extend the number of weeks in order that you can incorporate other subjects, plus the physical activities which the constables are getting at the college.

In reply to the point that I am criticizing the police officers, I am criticizing the minister for lack of policies and directions, I am not criticizing the police officers. Police officers are taking directions from their peers. It is a duty and responsibility of the minister to redirect those policies in order that problems in our society will be eliminated.

Mr. Chairman: Does the minister have any further remarks?

Hon. Mr. MacBeth: Mr. Chairman, there is one item the member for Dovercourt raised that I did not deal with.

He was looking at some figures for municipal police forces—that the authorized strength for municipal forces was 12,285 as of December, 1976; that some 1,225 were hired during that year; and that 745 left the force. The breakdown that I have is retired, 99—I assume that doesn't require any explanation—dismissed, 24; and resignation requested, 115. Maybe you feel that requires some explanation, but here again we come to this conflict where all of us in this House want our police to be of a high calibre and high standards. Occasionally we do find police who don't meet those standards, and I am sure you would be the first ones to want us to let those people go. Those are the people we find to be unsuitable for a variety of reasons for police service. I am suggesting that you are looking at those two figures with a jaundiced eye, that is 24 dismissals and 115 resignations requested.

It may be that those figures should be higher. Maybe you would want them higher to obtain the kind of people and the kind of standards that we think we should have.

Now, "joined another force"—that doesn't need any explanation either, I don't think.

Dissatisfied, 42. When you look at the industrial change of personnel, people taking on a job and leaving it, that figure is not very great. We must put in with that "other reasons," 369. So you have some 411 people—against a figure of 1,225—who are dissatisfied or move for other reasons—who leave of their own accord in this day of job mobility. I don't think that is all that great. I think you will find it is much lower than in industry.

The overall attrition rate in municipal forces is six per cent, much below normal industry. In the OPP, the attrition rate is lower than that, some three per cent.

If you want good policing in this province, I think you have to expect to have those who decide for themselves that they are dissatisfied or whom the forces decide are unsuitable for it. So I'm not alarmed that the 369 left of their own accord or for other reasons. It doesn't mean that all the 369 were dissatisfied. Some of them may have left for health reasons or—

Mr. B. Newman: Better jobs.

Hon. Mr. MacBeth: —more money. They may have gone into some other sort of security work. Those figures are not alarming to me at all. I might suggest that the figures of those dismissed or of resignations requested—in view of the calibre of the people we want—maybe that's too low.

To complete the figures—deceased, 25; and that meets us all, eventually.

Mr. Lawlor: Dealing with police forces is a very ticklish business. All members on all sides of the House are loath to tackle the issue straightforwardly as we do, for instance, on economic matters or the way the educational system is handled or in practically any other ministry.

We all, for curious reasons, approach this particular problem with kid gloves. What was mentioned earlier by the member for Sarnia is particularly true with municipal commissions—and I'll get around to the police college in a minute.

Mr. Nixon: I thought that commission one was carried.

Mr. Lawlor: Municipal commissions: that's pretty well a blue stamp job. No one interrogates, no one pries, no one goes into it. They listen to the somewhat blatant type of statement made by the minister about what jolly good fellows the policemen are, et cetera. There is and there has to be, up to a point, a reverence, if you will, or at least a deep respect for the police force. In the very type of work they do, some areas of secrecy involved, militate in the favour of their not being pried into. They simply can't be pried into.

At the same time, in these estimates down through the years—certainly on the municipal level where 25 per cent of municipal taxpayers money is spent on the police force—there is never, nor do we feel free to make, the swaddling type of analyses of these budgets. If municipal councillors call it into question, there is almost an immediate and equal reaction coming from the chiefs of police.

It's an invidious business where they say, "All right, if you're going to cut back on it, we'll cut out those services which are the newest, freshest, most vulnerable, most exposed to the community, most community conscious, et cetera." The youth corps comes under the axe, you see; not other internal operations.

There's a kind of threat involved, and I think that's bad. I think that's bad public relations. I think there's not enough give and take between the politicians and the force, that that particular kind of bedizement should be brought into being and that sort of threat brought out, which immediately causes the politician to run for cover.

In an open society where we are clinging to basic democratic concepts, et cetera, we cannot allow—and it is impermissible for any agency within that society—to enjoy pre-

rogatives and special functions and degrees of secrecy and a hesitant attitude, even a cowardly attitude, on the part of its official representatives. That's what we're here for, that's what people elect us to do—to be forthright enough to move in on these particular issues.

We don't. It's regrettable and it's not being done. When Robarts, therefore, mentions that the police commissions ought to be more directly involved; it's that sort of thing that he is after in other words, I think he is more delicately aware of participation in our society than the minister is. The minister holds back on these things. He's got a sort of stick in the mud, status quo approach to reality. He

thinks that human nature is somehow fundamentally depraved, that any move for change is almost invariably a move for the worse—

Hon. B. Stephenson: Depraved or deprived?

Hon. Mr. MacBeth: Just judging by my own, Pat.

Mr. Lawlor: —that this won't rock any boats. As far as humanly possible, he leaves everything as close to remaining as it is. It is a case of "Beware of the wolf just outside our door,"—a typical, archetypal, conservative mentality. What can you do with it?

Hon. Mr. MacBeth: Not much.

The House recessed at 6 p.m.

CONTENTS

Monday, October 31, 1977

Request to present and vote on certain resolution, Mr. S. Smith	1305
Quebec language legislation, statement by Mr. McMurtry	1305
Quebec language legislation, questions of Mr. McMurtry: Mr. S. Smith, Mr. Lewis, Mr. Lawlor	1306
Activities of RCMP, questions of Mr. McMurtry: Mr. S. Smith, Mr. Samis, Mr. Lewis	1307
RCMP Toronto staff, questions of Mr. MacBeth: Mr. Lewis, Mr. Breithaupt	1308
Layoff of nickel workers, questions of Mr. Davis: Mr. Lewis, Mr. Kerrio, Mr. Breithaupt	1309
Increase in Education estimates, questions of Mr. Auld: Mr. Van Horne	1311
TTC funding, questions of Mr. Snow: Mrs. Campbell, Ms. Bryden, Mr. S. Smith	1311
Tea and coffee pricing, questions of Mr. Grossman: Mr. Swart, Mr. Philip	1313
Liquor licence regulations, questions of Mr. Grossman: Mr. McKessock	1314
Hydro contracts, questions of Mr. J. A. Taylor: Ms. Gigantes, Mr. Lewis, Mr. Reed	1314
Nanticoke plant, questions of Mr. J. A. Taylor: Mr. Reed, Mr. S. Smith	1314
Consumer protection, questions of Mr. Grossman: Mr. Blundy	1315
Motion re report of Select Committee on Highway Safety, Mr. Welch, agreed to	1316
Resolution re Interim Supply, Mr. McKeough, agreed to	1316
Estimates, Ministry of the Solicitor General, continued, Mr. MacBeth	1318
Recess	1342

SPEAKERS IN THIS ISSUE

Auld, Hon. J. A. C., Chairman, Management Board of Cabinet (Leeds PC)
Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Blundy, P. (Sarnia L)
Bradley, J. (St. Catharines L)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Davis, Hon. W. G.; Premier (Brampton PC)
Eaton, R. G. (Middlesex PC)
Edighoffer, H.; Deputy Speaker and Chairman (Perth L)
Gigantes, E. (Carleton East NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations
(St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kerrio, V. (Niagara Falls L)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S. (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General
(Humber PC)
MacDonald, D. C. (York South NDP)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Miller, G. I. (Haldimand-Norfolk L)
Newman, B. (Windsor-Walkerville L)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Samis, G. (Cornwall NDP)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications
(Oakville PC)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Van Horne, R. (London North L)
Warner, D. (Scarborough-Ellesmere NDP)
Wildman, B. (Algoma NDP)
Young, F. (Yorkview NDP)

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